



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, November 11, 2020 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a REMOTE Regular Meeting on the 11th day of November 2020 at 7:00 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the order of the Office of the Governor issued March 16, 2020, the City Council of the City of West Lake Hills will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19).

The public may participate in this meeting by dialing in to the following toll free number: (346) 248-7799, Meeting ID 862 1498 7922, Password: 387042

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to citysec@westlakehills.org by 1:00 P.M. on November 11, 2020

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing citysec@westlakehills.org. Comments must be received by 1:00 P.M. on November 11, 2020

1. Call to Order
2. Citizen Communications The City Council 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 Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each
3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen

- a. Approval of the October 14, 2020 Regular Meeting Minutes
4. **Ordinance 4015 Bee Cave Road:** Discuss and Consider Action to Adopt an Ordinance for a Special Use Permit Request to Allow the Operation of a Preschool Located on a Property Zoned B – 1 Business 1. (West Lake Hills Code Sec. 38.03.036(c)(2)). Applicant Bryan Denney – Trinity Episcopal School
 - a. Public Hearing: All persons wishing to speak for or against shall be heard.
5. **Land Use 409 Ledgeway Ridge:** Discuss and Consider Action on a Variance Application with Five (5) Variance Requests in order to Construct a New Residence:
 - 1) Roof overhang setback encroachment on east side of house
 - 2) Roof overhang setback encroachment on west side of house
 - 3) & 4) Two (2) retaining walls encroaching into the setbacks
 - 5) Landscape arbor encroaching the front setback(West Lake Hills Code Sec. 22.03.170). Owners Jim and Laura McBride/Applicant Kyle McCollum
 - a. Public Hearing: All persons wishing to speak for or against shall be heard.
6. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the November 11, 2020 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on November 6, 2020 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Stephanie Mills, City Secretary

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. City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts

and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, October 14, 2020 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:02 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Jim O'Connor, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South and Darin Walker.

2. Citizen Communications The City Council 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 Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each

Mayor Anthony opened the meeting for public comments. Hearing none, the public comment section was closed

3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen

- a. Approval of the September 9, 2020 Regular Meeting Minutes

Motion for Approval of the Consent Agenda made by Councilmember Walker with a second by Mayor Pro Tem O'Connor

Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays

4. Ordinance 3425 Bee Cave Road: Adopt an Ordinance for a Special Use Permit Request to allow a tattoo license in order to operate a microblading business on a property zoned B – 2 – Business 2. Applicant Jaclyn Clancy.

- a. Citizens Communications: All persons wishing to speak on this matter shall be heard

Motion for Approval made by Councilmember Plunkett with a second by Councilmember McCollough

Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays

5. Land Use 402 Camp Craft Road: Discuss and Consider Action on a variance application for six (6) variances in order to remodel the existing non-conforming home and accessory

structures:

- 1) Refurbish and allow an existing non-conforming main structure to remain in a side setback;
- 2) Refurbish and allow an existing non-conforming accessory structure to remain in a rear setback;
- 3) Enclose/refurbish an existing non-conforming structure (sport court) in a rear and side setback;
- 4) Allow an existing driveway to be rehabilitated and remain in a side setback;
- 5) Removal of a 27" Crepe Myrtle Tree;
- 6) Removal of a 15" Oak Tree

(West Lake Hills Code Sections 22.03.281, 22.03.175, 22.03.304(4)). Owners Robert and Tanja Lee/Applicant CleanTag Permits - Linda Sullivan.

Dual item requiring BOA and City Council action: Variances 1 – 4 require BOA action and Variances 5 & 6 require City Council action

- a. Citizens Communications: All persons wishing to speak on this matter shall be heard

Motion for Approval of Items 1-4 made by Councilmember McCollough with a second by Mayor Pro Tem O'Connor

Motion for Approval carried by a vote of 4 ayes to 0 nays with Councilmember Walker voting nay

6. Adjournment

The Board of Adjustment meeting was adjourned at 7:25 p.m. by Mayor Anthony

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2020.



SPECIAL USE PERMIT (SUP) STAFF REPORT

NOVEMBER 11, 2020

Project Address: 4015 Bee Cave Road

Project Number: 16214

Agenda Item: Ordinance: 4015 Bee Cave Road: Discuss and Consider Action to Adopt an Ordinance for a Special Use Permit Request to Allow the Operation of a Preschool Located on a Property Zoned B – 1 Business 1 (West Lake Hills Code Sec. 38.03.036(c)(2)). Applicant Bryan Denney – Trinity Episcopal School.

Applicant Information: Bryan Denney – Trinity Episcopal School

Hearing Dates:

November 11, 2020 Board of Adjustment

Requested Action: Special Use Permit to continue operating a preschool under new ownership

Location: The property is located on the corner of Camp Craft Road and Bee Cave Road.

Zoning & Site Characteristics: The subject property is zoned B – 1 – Business 2 District and is approximately 2.3 acres. The property is the site of the former Elsass Academy, which is under contract for purchase by Trinity Episcopal School.

Background & Analysis:

Trinity Episcopal School is purchasing the Elsass Academy next door to Trinity. The closing transaction is expected to be completed in December. Trinity would like to continue operating the existing preschool after the sales transaction is complete starting January 1, 2021.

The main change is that Trinity plans to discontinue programs for ages 18 months to 2 years. However, the children currently enrolled in this age group can continue enrollment. The expected enrollment capacity will be up to 90 students ages 3 to 6.

SUP Criteria & Analysis:

(1) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

- The preschool is existing and Trinity would like to continue its operation after the sales transaction is complete by the end of the year. There will not be any change to the site.

(2) The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;

- The existing preschool is not anticipated to have an adverse effect on the value of surrounding properties or impede their development.

(3) The proposed use will not create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business;

- The preschool is an existing use under an existing special use permit applied for by Elsass Academy. It will not interfere with neighbors' enjoyment of their properties.

(4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create or add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

- The school is already existing and the new owner will continue operations. It is not anticipated to increase traffic or disturb the peace and quiet of the neighborhood.

(5) The proposed use shall comply with all other applicable ordinances and regulations.

- The school will comply with all other applicable Code regulations.

Traffic/Transportation

No additional traffic is anticipated.

Lighting

Outdoor lighting is not applicable.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The request is in compliance with the Master Plan based on current and future land use.

Staff Recommendation:

Staff recommends approval of the requested Special Use Permit.

Links to Relevant Code:

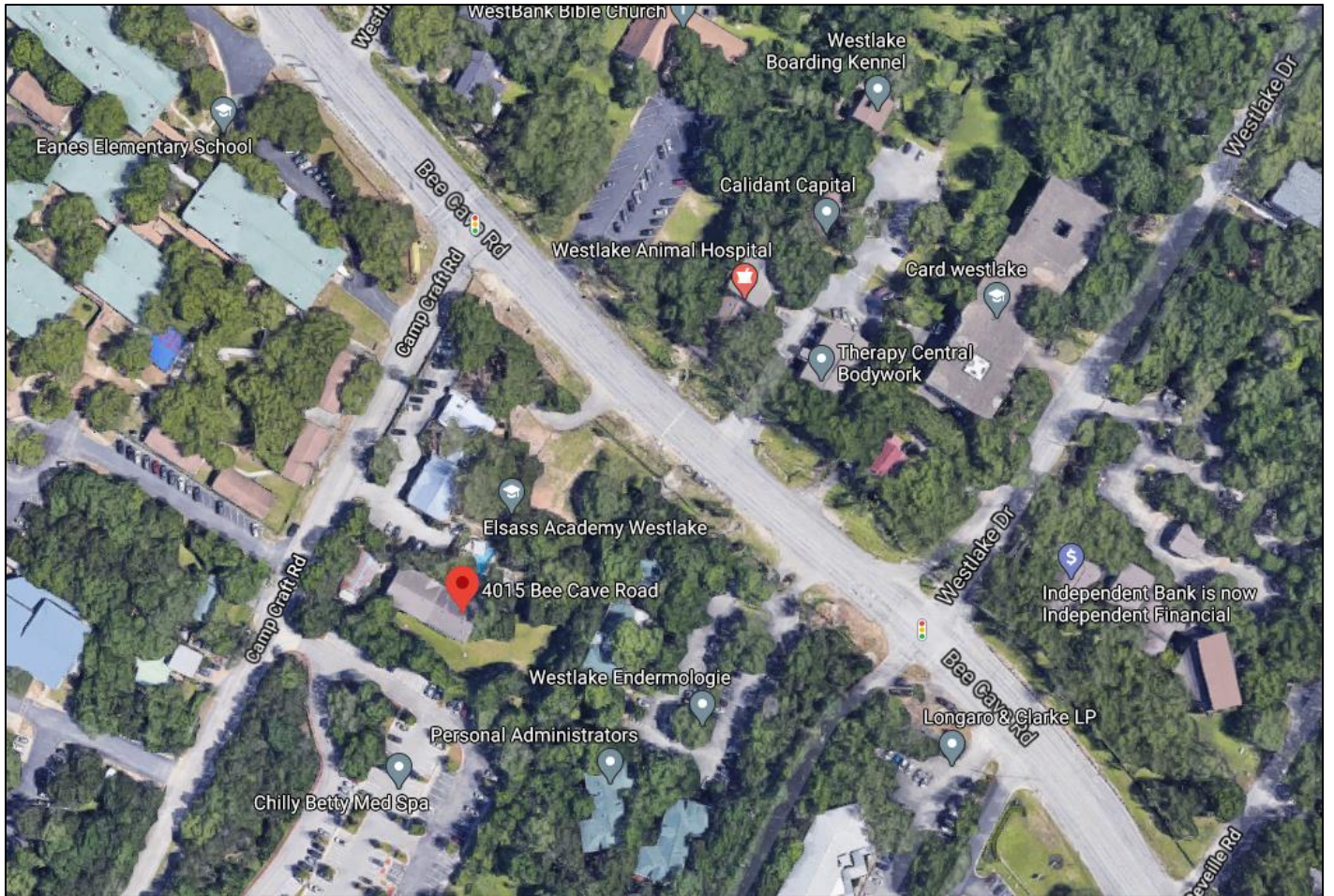
- [Sec. 38.03.037 B-1 business 1 district](#)
- [Sec. 38.04.031 Criteria for establishment of special use categories; uses allowed in specific districts](#)
- [Sec. 38.04.032 Special use permit](#)
- [Sec. 38.04.033 General criteria applicable to all special uses](#)
- [Sec. 38.04.035 General conditions for all special uses](#)

(Maps to follow)

LEGEND

- CHURCH
- SCHOOL
- FIRE STATION
- CEMETERY
- CITY LIMITS
- AQUIFER RECHARGE ZONE BOUNDARY
- TEXAS GAS SERVICE
- CONDITIONAL OVERLAYS
- SPECIAL USE
- R-1 ONE FAMILY
- R-2 MULTI-FAMILY
- R-3 TRANSITIONAL
- O OFFICE
- B-1 BUSINESS 1
- B-2 BUSINESS 2
- B-3 BUSINESS 3
- GUI GOVERNMENT, UTILITY, INSTITUTIONAL
- PDD PLANNED DEVELOPMENT DISTRICT
- P.A.E. PRIVATE ACCESS EASEMENT
- NOT A THROUGH ROAD
- EXTRATERRITORIAL JURISDICTION
- UNIFIED DEVELOPMENT AGREEMENT
- UNIMPROVED ROAD

Aerial:



SPECIAL USE PERMIT APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT INFORMATION

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

Property Owner: Trinity Episcopal School Phone: 512-472-9525
Email: bdenney@austintrinity.org
Address: 3901 Bee Cave Road City: West Lake H State: Tx Zip: 78746
Agent*: Bryan Denney Phone: 512-472-9525
Email: Same as above
Address: _____ City: _____ State: _____ Zip: 78746

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

PROJECT INFORMATION

Property Address: 4015 Bee Cave Rd West Lake Hills, Tx 78746
Subdivision Name: _____
Block: _____ Lot: _____ Tax Parcel ID: _____
Current Zoning Classification: _____ Total Lot Area: 2.31 acres
Proposed Special Use: Preschool Applying for Variance ☐ Yes ☐ No
(if yes, please submit separate variance application)
Name of Business (if applicable): Trinity Episcopal School
Hours of Operation: 7:00am to 6:30pm Duration of Use: Monday thru Friday
Present Land Use: Preschool (Currently Elsass Academy)



SPECIAL USE PERMIT APPLICATION

Brief description of proposed project:

Trinity Episcopal School is currently under contract to purchase Elsass Academy's West Lake property and is set to close by end of December 2020. Trinity is applying for a special use permit to continue operating the preschool after the transaction has completed. Trinity plans to continue the existing preschool operations using the property and facility as-is with an effective start date of January 1, 2021

AUTHORIZATION & ACKNOWLEDGEMENT

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


Signature

10/9/2020
Date

Bryan Denney
Printed Name

APPLICATION CHECKLIST

Special Use Permit Application Checklist

- ☒ Completed, signed application
- ☐ Power of Attorney form, if applicable *N/A*
- ☐ Proof of ownership of subject property *- See Elsass Letter*
- ☐ Traffic Impact Analysis, if applicable (*required for projects expected to generate 200 trips a day, refer to Chapter 38 of the Code*) *N/A < 200 trips*
- ☒ Letter addressed to BOA Chairperson describing proposed Special Use
- ☒ Property survey/Site Plan
- ☐ Building elevations if available *N/A*
- ☒ Pictures of property
- ☒ Payment of application fees by check or credit card (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees*)
- ☒ Other applicable information as required by staff *Facility Use Summary*



SPECIAL USE PERMIT APPLICATION

SPECIAL USE PERMIT PROCESS & PROCEDURES

Public Hearings

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

Public Notices

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

Application Deadlines

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

SUP Review Criteria

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

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Newspaper notice deadline: _____ Publication Date: _____

Date of Board of Adjustment Meeting: _____

Board of Adjustment Action: _____

Notes:

The City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746



October 8th, 2020

Dear Board of Adjustment Chairperson,

Trinity Episcopal School is under contract to purchase the Elsass Academy Westlake and expects to close on the transaction by December 31, 2020.

The Elsass Academy is a family-owned preschool at the corner of Bee Cave Road and Camp Camp Craft Road adjacent to Trinity's property. The owners, Gil and Candace Elsass, were looking for a uniquely positioned partner to maintain their long-standing commitment to families in the Austin and West Lake Hills area and they approached Trinity with a proposal.

Trinity has considered the idea of incorporating an early-childhood program and a preschool preparatory curriculum dovetails well with our K-8 model. We believe this partnership to be mutually beneficial to both parties as well as good for the West Lake Hills community.

Trinity plans to assume the operation of the preschool effective January 1st, 2021. In order to ensure a smooth and seamless transition we are submitting application for a special use permit to continue running the Elsass academy preschool with the hope that the application is put forward for consideration in the November 11th Board of Adjustment meeting. Trinity understands that typically only the current owner of the property may apply for a special use permit, however given the timing of the ownership transfer we would kindly request that the special use permit be granted to Trinity with the condition that the special use permit becomes valid and effective upon transfer of ownership. The current owners support our application; you can see their support letter included here in the application package.

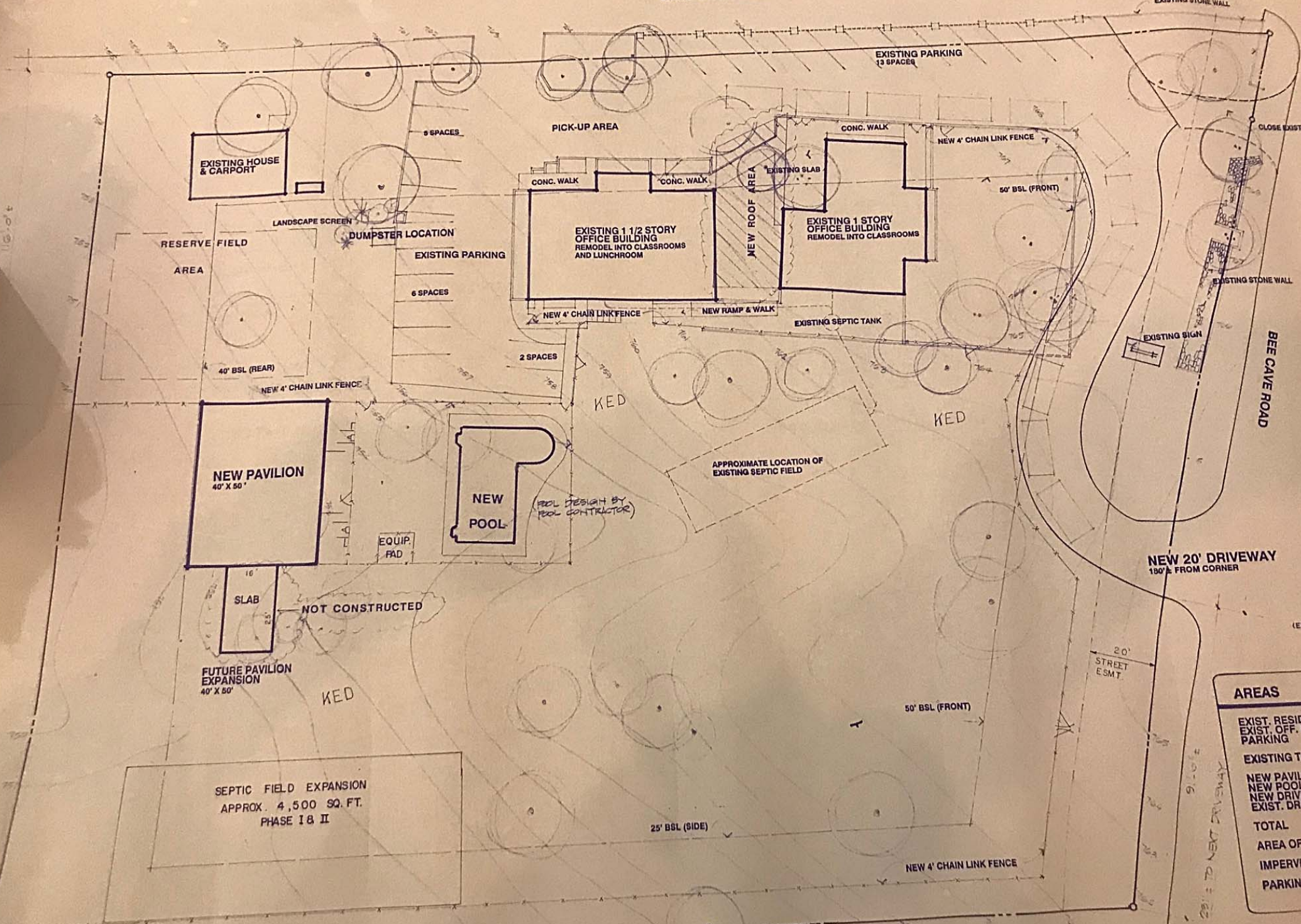
Thank you for your consideration. Trinity is committed to continuing our efforts as a neighbor and member of the West Lake Hills community in a way that is beneficial to both the local residents and business owners, the city, and the school.

Sincerely,

Jennifer Morgan

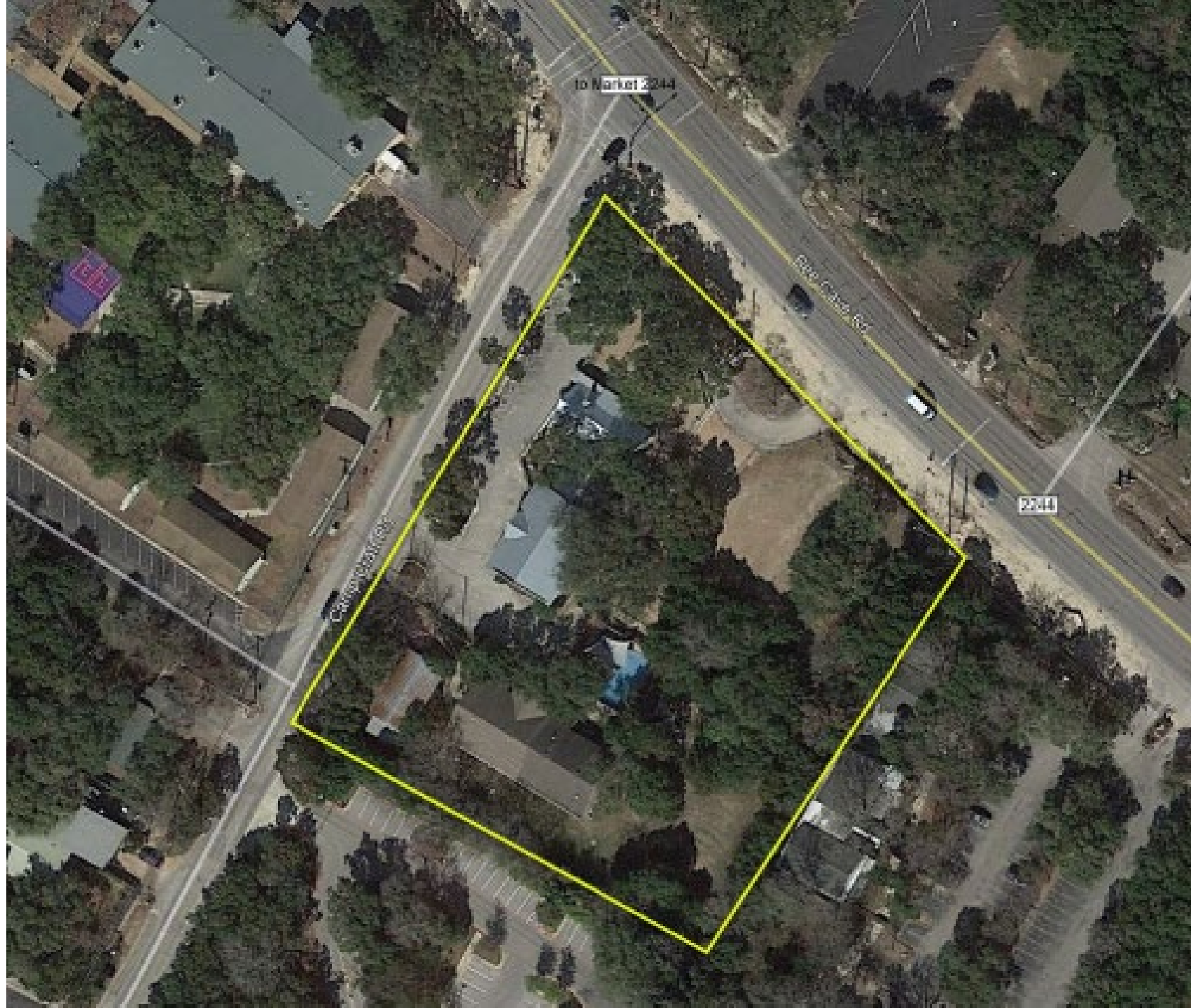
Head of School

CAMP CRAFT ROAD



AREAS

- EXIST. RESID.
- EXIST. OFF. B.
- PARKING
- EXISTING TO
- NEW PAVILION
- NEW POOL
- NEW DRIVE
- EXIST. DRIVE
- TOTAL
- AREA OF 5
- IMPERVIOUS
- PARKING













Elsass Austin, Inc
dba Elsass Academy Westlake
4015 Bee Cave Road
Austin, Tx 78746

October 6, 2020

City of Westlake Hills

Re: Special Use Permit Request

Dear Mayor Anthony and Board of Adjustment Members,

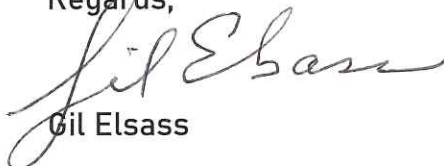
My name is Gil Elsass. My wife Candace and I have owned The Elsass Academy Westlake preschool for almost 30 years here in the West Lake Hills community.

It has always been our goal to maintain Elsass Academy for as long as possible, but this year has been very tough. In an effort to keep our dream alive, we have joined forces with Trinity Episcopal School and have entered into a sales contract with Trinity to sell the preschool and property to Trinity with a targeted close date on or before December 31, 2020.

With our guidance, Trinity plans to assume the operations of the preschool effective January 1st. In order to ensure a smooth transition of ownership and best support our preschool families, Trinity must apply for the special use permit before the transaction closes. Candace and I fully and enthusiastically support the transfer of ownership and operations to Trinity and thus authorize and support Trinity's application for the special use permit. Our hope together with Trinity is that the application is put forward for consideration in the November 11th Board of Adjustment meeting and can be approved with a condition that the special use permit is valid and effective upon transfer of ownership.

Thank you for your consideration. We believe Trinity will serve our families and the West Lake Hills Community well into the future.

Regards,


Gil Elsass

Proposed Facility Use Summary

4015 Bee Cave Road

Site Area: 2.31 acres or 100,580 square feet

Building Area: 3 buildings totaling 10,435 square feet

Current Use: Daycare / Preschool operation (Elsass Academy – West Lake) – Special Use Permit #:157-1991-A

Enrollment ('19/'20 school year): 69 students (18 mo. to Pre-Kindergarten)

Total # of Employees (faculty / staff): 24 (6 are part-time)

Hours of Operation: 7:00 – 6:30

- Preschool operation: 7:30 am – 6:00 pm
- After School Care: 3:00 pm – 6:30 pm

Traffic Circulation: Student Drop Off & Pick Up is usually park and walk-in / walk-out only. However during COVID, parents are not allowed in the buildings. So drop off and pick up is happening by carpool.

Parking Lot Capacity: 30 spots

Ingress / Egress: There are 2 access points for vehicles to enter the property. On the north side, you may enter from Bee Cave Road while traveling east bound, right turn only into the property. Traffic is encouraged to only enter at this location at peak traffic times and not exit due to the fact that the internal road on the north side of the property is only one lane. On the southwest side of the property, you may enter and exit the property from Camp Craft Road. During drop off and pick up, school traffic will ideally enter the property from the north / Bee Cave Road entrance and exit the property at the southwest / Camp Craft Road entrance.

Trinity Episcopal School is under contract to purchase the Elsass Academy West Lake property; the transaction is set to close by the end of December 2020. Trinity is applying for a special use permit to continue operating the preschool once the transaction has completed. Trinity plans to continue the existing preschool operations using the property and facilities as-is with an effective start date of January 1, 2021. The one known change is that Trinity will only offer the program to children ages 3, 4, and Pre-K. Care for children aged 18 months to 2 years will be discontinued after allowing for those currently enrolled to continue at the school (i.e. they will be grandfathered). With the existing facilities, Trinity requests enrollment capacity of up to 90 students in 3 age groups (ages 3 to 6).

SPECIAL USE PERMIT 157-2020-H

A PERMIT SETTING THE CONDITIONS UNDER WHICH A SPECIAL USE SHALL BE PERMITTED AND AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Trinity Episcopal School has requested a Special Use Permit for the herein described parcel of land at 4015 Bee Cave Road, to allow for a pre-school as a special use in this district.

WHEREAS, the notice as required by Section 38.04.031 of the West Lake Hills Code has been given to adjacent property owners; and

WHEREAS, Public Hearings have been held by the Board of Adjustment as required by law; and

WHEREAS, a valid objection in the Public Hearings or a written protest has not been submitted against the proposed Special Use Permit; and

WHEREAS, the Board of Adjustment find that the application for a Special Use Permit meets the requirements of Section 38.04.031 of the West Lake Hills Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ADJUSTMENT OF THE CITY OF WEST LAKE HILLS, TEXAS:

Article 1. The legal description of said parcel of land is as follows:

Lot 1, Charles Evans Confirming Plat.

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

1. The classes are to begin at 7:00 a.m. and ending at 7:00 p.m., Monday through Friday.
2. The Special Use shall not have an adverse effect on the property value of surrounding properties or impede their proper development.
3. The Special Use shall not create a nuisance factor or otherwise interfere with any neighbors' enjoyment of their property or operation of their businesses.
4. All representations, whether oral or written, made by the applicant, or his agent, in support of a Special Use Permit are conditions upon which this permit is granted.
5. Applicant agrees to comply with all applicable federal, state, and local statutes, rules, regulations, and ordinances.

Article 3. This Special Use Permit is granted to Trinity Episcopal School, as a special use in this district at 4015 Bee Cave Road.

Article 4. This Special Use Permit is not transferable to another person or another parcel of land and shall cease upon change of ownership of property or business.

Article 5. The Board of Adjustment, after notice and Public Hearing, may revoke this Special Use Permit for one or more of the following reasons:

1. A violation of any of the representations, plans, terms, general or special conditions; and limitations applicable to the Special Use.
2. A violation of any applicable ordinance or regulation.
3. A change in the nature of the use without prior approval of the City.
4. Operation or maintenance of the Special Use in a manner that is detrimental to the public's health or safety, or to constitute a nuisance.

Article 6. If this Special Use is discontinued for more than six (6) consecutive months, it shall be deemed abandoned.

Article 7. This Special Use Permit is issued under the following special conditions:

1. The duration of this Special Use Permit shall be for two (2) years from the effective date hereon.
2. This Special Use Permit may be renewed for two-year periods at the discretion of the City Administrator provided no written complaints have been received during the use period. When complaints have been registered, the applicant will obtain renewal approval from the Board of Adjustment.

Article 8. The application form entitled "Special Use Permit Form" along with any supporting correspondence and documents and marked as Exhibit "A" attached hereto are incorporated herein by reference for all pertinent purposes.

Article 9. This Special Use Permit shall become effective on the 11th day of November, 2020.

PASSED AND APPROVED this 11th day of November, 2020.

Linda Anthony, BOA Chair

ATTEST:

Stephanie Mills, City Secretary

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

Applicant's Signature



SETBACK & RETAINING WALL VARIANCES STAFF REPORT

NOVEMBER 11, 2020

Project Address: 409 Ledgeway Ridge

Project Number: 16111

Agenda Item: Land Use: 409 Ledgeway Ridge: Discussion/recommendation on a variance application with five (5) variance requests in order to construct a new residence: 1) roof overhang setback encroachment on east side of house; 2) roof overhang setback encroachment on west side of house; 3) & 4) two (2) retaining walls encroaching into the setbacks; and 5) landscape arbor encroaching the front setback (West Lake Hills Code Sec. 22.03.170). Owners Jim and Laura McBride/Applicant Kyle McCollum.

Applicant Information: Owners Jim and Laura McBride | Applicant Kyle McCollum

Hearing Dates:

October 21, 2020 ZAPCO

November 11, 2020 Board of Adjustment

Location: The subject property is located between Laurel Valley Road and Ledgeway Street. The property is located in the East Ledgeway Subdivision.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 1.11 acres. It is Lot 6 of the East Ledgeway Subdivision and is undeveloped. The property has steep topography and the buildable area is limited by a conservation easement, 100-year floodplain and drainage easement.

Background & Analysis:

The applicant is requesting several variances in order to construct a new home on an undeveloped property located in the East Ledgeway Subdivision. The proposed design includes five variance requests: two variance requests for roof eave encroachments into the side setbacks; two retaining walls over 18" encroaching into the front setback; and a landscape arbor encroaching into the front setback. The property's buildable area is limited by a drainage easement and 100-year floodplain and steep topography.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

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 application states – “The existing site has a significant hardship in the form of a drainage easement that renders more than half of the property unbuildable. With the buildable area remaining and due to the steepness of the topography, development was forced uphill. Site area for erosion and drainage control, as well as space to provide privacy from the street was severely affected. Net buildable area has been severely reduced, negatively impacting property values and marketability of homes.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “The plans and new residence have been designed specifically for this property and has been customized with the express purpose to have as little impact on the existing topography and trees as possible.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “The magnitude of the site hardship forced the design uphill significantly. As the house was forced much closer to the street, additional topographic manipulation was required for access and drainage/erosion control. The resultant proximity to the street also necessitated the construction of additional landscape structures for privacy (i.e. higher than allowed retaining walls and ivy arbor).”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “Due to the steepening topography closer to the street, and as a result of the hardship in the rear, the design solution was specifically integrated into the natural topography to protect it from future detrimental erosion and to provide secure access to the property from the street. The overhang variances are the request of the owner for the purpose of maintaining a consistent architectural style and protection offered by the proposed overhangs. With the reduced net buildable area, the Owner feels that since the extents of the foundation have complied with the more restrictive net area, relief for 2 overhang encroachments into the setback would represent a possible compromise.”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – “It does not violate the original intent of the zoning ordinance in that no foundation or heated footage violates the setback requirements. The proposed structures allow erosion and drainage control to be properly managed and allow necessary privacy to be established from the street.

The variance requests do not encroach on the perceived distance between neighbors. No trees are affected by the variance requests.”

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

The application states – “The nature of the requests do not compromise the adjacent properties’ views, privacy, or access. In fact, we believe the variances will be received with great value from adjacent property owners because they properly manage hillside erosion, establish privacy to the structure from the street, and help maintain a consistent architectural theme. The variances will allow the project to remain a consistent single story design which will elevate its marketability and minimize the visual impact on the existing site.”

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code and reviewed when the building permit application is submitted.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use comply with the Master Plan.

Zoning & Planning Commission Recommendation

During the October 21, 2020 ZAPCO meeting, the Commissioners recommended denial of all of the requested variances by a vote of 4 – 0 (Commissioner Harwell absent).

Staff Recommendation

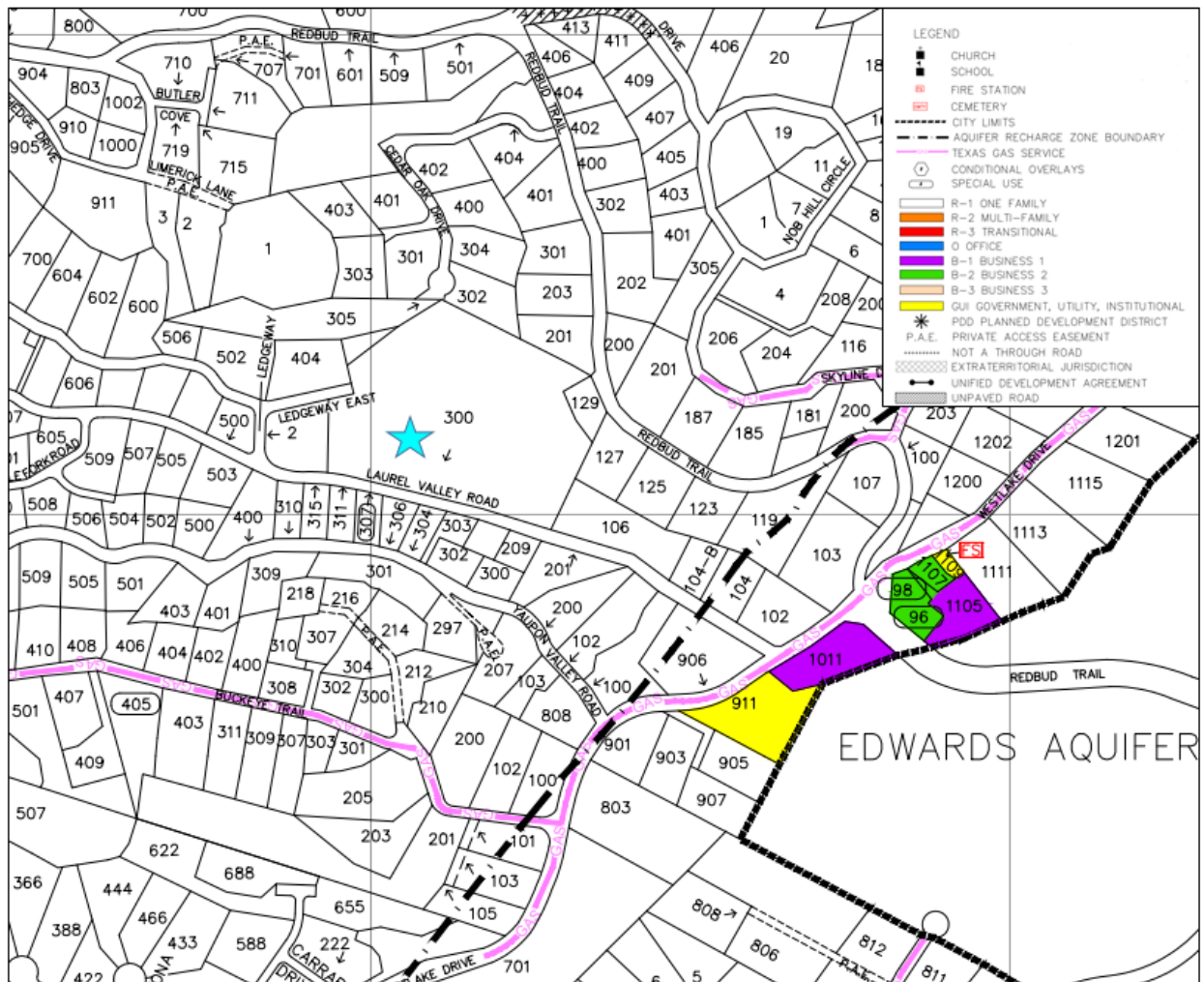
The staff recommendation is denial. While there are unique circumstances (i.e. floodplain and drainage easement), it appears that the proposed home could be redesigned in a way that would comply with the City’s Codes.

Links to Relevant Code:

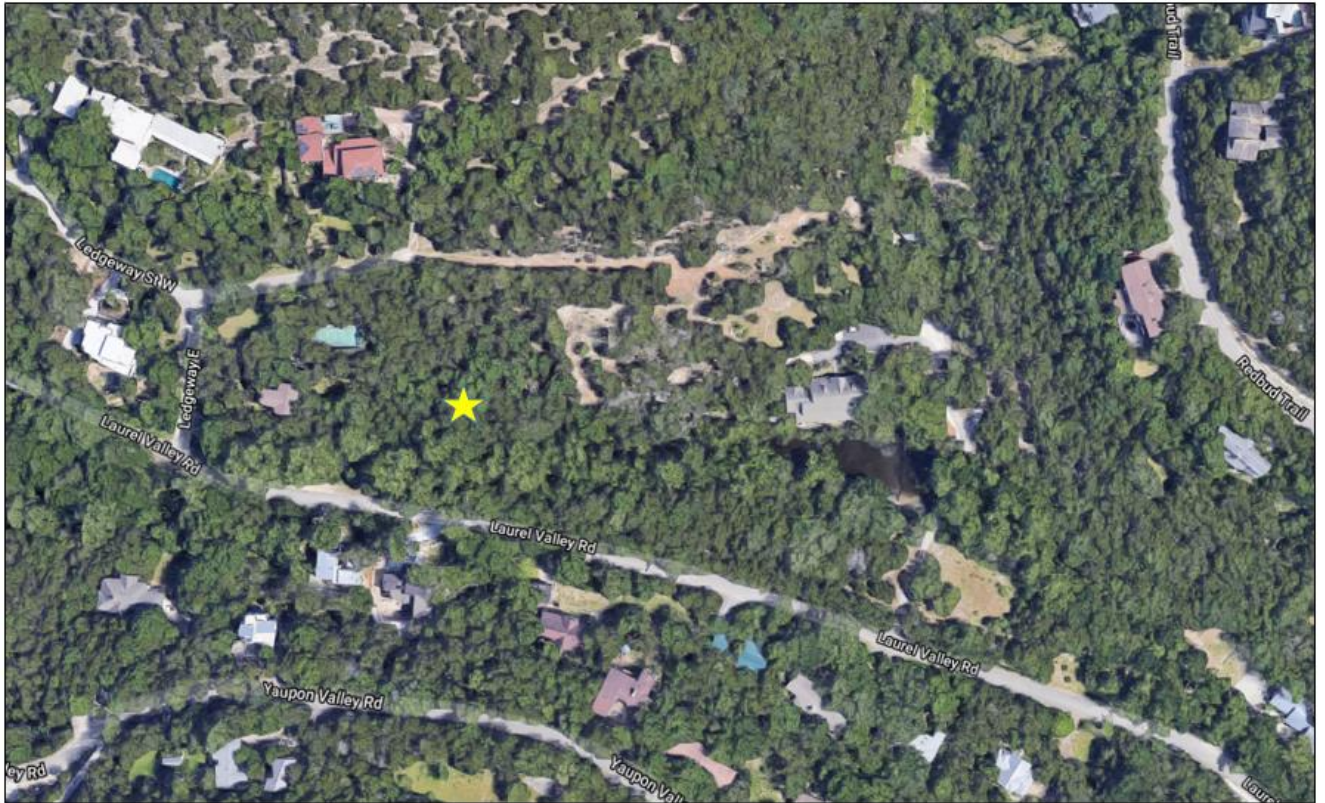
- [Division 8 Dimensional Regulations](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)
- [Sec. 22.03.170 Site disturbance \(excavation, grading or filling\)](#)

(Maps to follow)

Zoning:



Aerial:



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CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, October 21, 2020 at 6:30 PM



1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6: p.m. Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Laurie Maccini, James Vaughan and Bill Vandersteel. Jim Harwell is absent.

2. 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 September 16, 2020 Regular Meeting Minutes.

VICE-CHAIRMAN PLEDGER MOVES TO APPROVE THE MINUTES. COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0) APPROVAL.

3. Land Use 2 Downie Place: Discussion/recommendation of a request to partially release a drainage easement in order to construct a storage area (West Lake Hills Code Sec. 36.01.017). Owner/Applicant William Wiese.

- a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Approval.

- b. Presentation by applicant

Bill and Channing Wiese are present and the property owners. Tracy Bratton is the engineer and discusses the drainage and impact and provided requested information from the city engineer.

Bill Vandersteel: Thank you for a thorough report.

Chairman: Excellent Report.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) APPROVAL.

- 4. Land Use 409 Ledgeway Ridge: Discussion/recommendation on a variance application with five (5) variance requests in order to construct a new residence: 1) roof overhang setback encroachment on east side of house; 2) roof overhang setback encroachment on west side of house; 3) & 4) two (2) retaining walls encroaching into the setbacks; and 5) landscape arbor encroaching the front setback (West Lake Hills Code Sec. 22.03.170). Owners Jim and Laura McBride/Applicant Kyle McCollum.

- a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Denial due to the building could be re-designed to conform to Code.

- b. Presentation by applicant

Kyle McCollum is the applicant. Because of the drainage easement we have a limited buildable area. The variances in the front are for drainage.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Commissioner Vandersteel: It's a beautiful house. I have issues with the front retaining walls and arbor.

Chairman Meisel: Why the retaining walls are the size they are?

DRAFT

Planner Naini: Our code allows 18" but these are up to 6'.

Chairman Meisel: It's a design driven issue.

Commissioner Vandersteel: It looks like a huge amount of fill?

Kyle: No, sir. We want to deflect the water on each side. We can bring that down. We're wanting to keep the water away from the house.

Commissioner Vandersteel: That is much too large a structure in the front. If you want privacy use plantings and not structures.

Commissioner Maccini: During the subdivision process we talked about the drainage. This is design driven.

Chairman Meisel: It's not our place to suggest alternatives.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL ON ALL VARIANCES. VICE-CHAIRMAN PLEDGER SECONDS. (4-0) DENIAL.

5. **Land Use 301 A Cedar Oak Drive:** Discussion/recommendation on a variance application for the removal of five (5) trees equal to or greater than 14" in diameter in order to construct a new residence: 1) Tree # 1000 - 15" Cedar; 2) Tree # 1081 - 15" Cedar; 3) Tree # 1087 - 14" Cedar; 4) Tree # 1127 - 19" Cedar; and 5) Tree # 1187 - 16" Cedar (West Lake Hills Code Sec. 22.03.304). Applicant Greg Reynolds.

a. Staff Briefing

City Planner Naini gives her staff briefing. Staff

Recommendation: Approval. Consider each of the variance trees.

Commissioner Maccini: This is a 2-story house, bi-level?

Planner Naini: Yes.

Vice-Chairman Pledger: Any considerable amount of space left for the tree will support it?

Planner Naini: Yes. It is out of the Critical Root Zone.

Commissioner Maccini: We're only talking about the trees.

b. Presentation by applicant

DRAFT

Greg Reynolds is the applicant and owner. It is 1.1 acre. Only 1/3 of the area is usable. Number one priority was to preserve this tree. I met with the owners of other properties and they are supportive.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Commissioner Vaughan: This seems reasonable.

Chairman Meisel: He does have to put in a lot of replacement trees. This is a win-win.

Commissioner Maccini: Mature Cedars do have a place in the ecosystem. Tree #1000 is a 15" Cedar, the other ones are outdoor areas. We do have ordinances for a reason.

Commissioner Vandersteel: They are saving the best tree possible. They did a nice job with this one.

Chairman Meisel: I don't see grounds to deny the variances requested.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL AS CITED. COMMISSIONER VAUGHAN SECONDS. APPROVED (3-1) COMMISSIONER MACCINI OPPOSES.

- 6. Land Use 416 Ridgewood Road: Discussion/recommendation on a variance request to encroach a setback in order to construct an accessory building to serve as a home office or school room (West Lake Hills Code Sec. 22.03.001) Applicant Victoria Keith.

- a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Denial due to no hardship.

Commissioner Vandersteel: I have a discrepancy with the location.

Commissioner Vaughan: The house is in the setback?

Planner Naini: Yes on both sides.

- b. Presentation by applicant

DRAFT

Application is not present.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. MOTION DIES WITH NO SECOND.

Commissioner Vandersteel: This was built before the current setbacks.

Chairman Meisel: Variances are forever. A temporary structure has a different set of rules.

Commissioner Vaughan: I have a hard time voting on it without the applicant not being here.

Commissioner Maccini: If the structure does encroach more than the house.

Vice-Chairman Pledger: I don't see any kind of hardship.

Commissioner Vandersteel: I'm worried about setting a precedent with these small buildings.

COMMISSIONER VAUGHAN MOVES TO TABLE. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) TO TABLE.

- 7. Land Use 1801 Westlake Drive: Discussion/recommendation of an ordinance and zoning map amendment to rezone 1801 Westlake Drive from Transitional Residential District (R-3) to a Planned Development District (PDD) with a base zoning district of R-3 in order to construct residential condominiums (West Lake Hills Code Sec. 38.05.092 and Sec. 38.06). Applicants 1801 Westlake Drive Venture, LLC & BV Austin Apartments, LLC.

- a. Staff Briefing

City Planner Naini gives her staff briefing.

This is 1.94 acres with 26 units. Steep topo, located on Bee Creek. 20 units are proposed. 2 separate buildings.

Building 1 is a 3-story and Building 2 is a 4-story unit. Height is 35' on Building 1 and 46' for Building 2; 34.01% impervious cover. Code deviations are gone over.

Staff Recommendation: Options

Vice-Chairman Pledger: When we look at the solutions, does that preclude modifications like height and setback?

Planner Naini: You can make separate recommendations.

Commissioner Maccini: If we go for the PDD, that doesn't allow all the variances?

Planner Naini: Variances are part of the PDD.

Commissioner Maccini: They are currently apartments and they will be condos? Is that allowable?

Planner Naini: It's a similar use.

Chairman Meisel: There is no grandfathering of the use if the apartments are removed.

Commissioner Vandersteel: There is no non-residential around this site. It goes against the R-3 zoning.

b. Presentation by applicant

Terry Irion is speaking for the applicant. We are not asking for a grandfathering. It's an old structure. We are trying to stay within the R-3 zoning requirements. No increase in impervious cover. Current 26 units will be replaced with 20. All parking will be under the building.

David Shiflet is the architect. The VanDeMark's built this in 1962. We thought it would be very low impact.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments.

Josh Mabry asks if the Fire Department has ladder trucks that would reach the building?

Josephine Whitley: Thank you for the opportunity. I'm the southern neighbor of this property. I've been here since 1981. I'm concerned about it being torn down. Why should it be allowed to remain 5' from my property? The number of units is decreasing but the parking will increase. I got news about this through the notice but no specific plan was being discussed. The neighbors need to have a need to see this and its effects.

Dan Brown is the engineer on the project has no comments.

The Public Hearing is closed.

d. Deliberation and Action

Commissioner Vandersteel: I have two problems with the setback and height. That is a very deep valley. I'm having a hard time with the 5' setback.

Mark Richardson is the architect: Building 1 does have 3 units on the ground level.

Vice-Chairman Pledger: Height and setback should be met if torn down. The last one to diminish is next to R-1 zoning.

Commissioner Vaughan: This is a unique situation. I think the council needs to decide what to do with R-3. I'm inclined to kick it to council since you've already talked to them.

Commissioner Vandersteel: R-3 needs to be re-thought.

Commissioner Vaughan: The zoning doesn't make sense.

Commissioner Vandersteel: The building is so deep it won't be that noticeable.

Vice-Chairman Pledger: I keep hearing about the height of the building is shielded from the road, the southside there are houses and I don't know how 45' building would look from those houses.

Commissioner Maccini: I have issues with height, impervious cover, setbacks and trees. Too much on a small property.

Chairman Meisel: The council needs a recommendation.

Vice-Chairman Pledger: I'm not opposed to using a PDD but I think the variances ought to be compliant.

Commissioner Vaughan: I think council needs to decide what they want with these R-3 tracts.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL OF PDD BASED ON THE VARIANCES AS PRESENTED. MOTION DIES WITH NO SECOND.

Commissioner Vandersteel: There is no communication between ZAPCO and council.

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Commissioner Vaughan suggests going one by one. Page 171, impervious cover.

Commissioner Vandersteel: What is proposed is smaller than what is there.

Chairman Meisel: What's appropriate for this property?

Commissioner Maccini: Let's start with one.

Commissioner Vaughan: All in favor of going one by one?

- #1: 32.51% (3-1) Commissioner Maccini Opposed**
- #2 mute; council should deal with this one**
- #3 5.5' setback (4--0) DENIAL conditional over 25'; 40' front**
- #4 '40 front (4-0) APPROVAL**
- #5 '40 rear (4-0) APPROVAL**
- #6 BLDG. 1 HEIGHT (3-2) existing rule**
- #7 BLDG. 2 46' (denial) existing rule**
- #8 Number of units (impervious cover and height met, then a reasonable number should be considered)**
- #9 Firetruck turnaround (approved)**
- #10 tree removal (no recommendation)**
- #11 tree (no recommendation)**
- #12 water quality (no recommendation)**
- #13 pool and drainage (approved)**
- #14 erosion control (compliance)**
- #15 Cut and fill (more development impervious cover and height)**

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND APPROVAL WITH THE ABOVE CONDITIONS. COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0) APPROVAL.

8. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

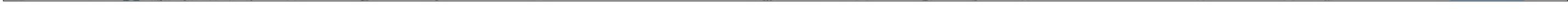
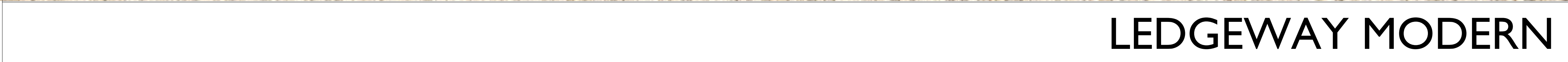
ATTEST:

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ZAPCO Secretary Mark Litrell

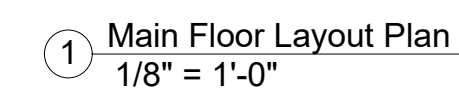
These minutes were approved on _____, 2020.

DRAFT



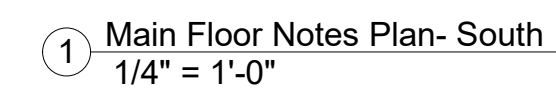


SHEET INFORMATION



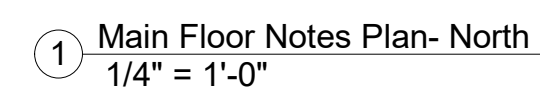


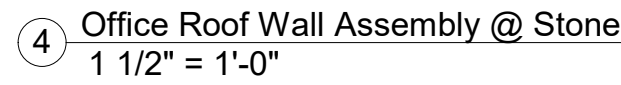
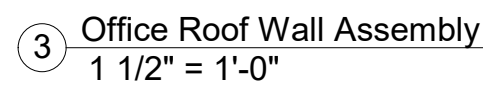
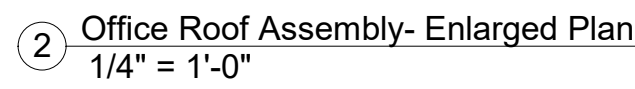
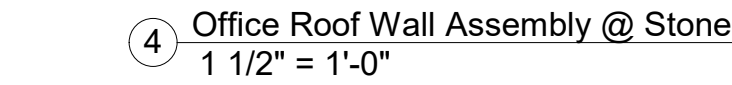
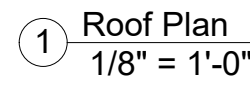
SHEET INFORMATION





SHEET INFORMATION

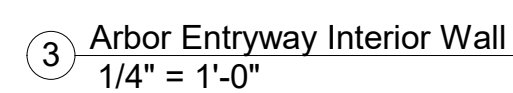


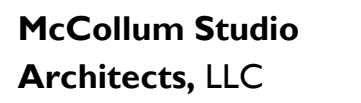


Roof Plan



NOTIFICATION



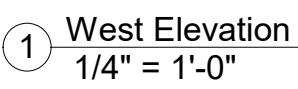
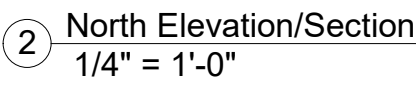


THESE DRAWINGS ARE CONSIDERED
PRELIMINARY AND ARE NOT MEANT
FOR PERMIT, REGULATORY APPROVAL,
OR CONSTRUCTION.

409 LEDGEWAY
RIDGE. AUSTIN, TX
78735

Sept. 1, 2020

Elevations





SPECIAL POWER OF ATTORNEY FORM

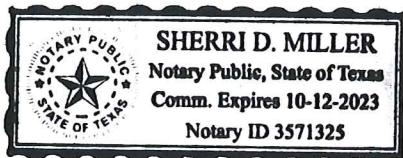
KNOW ALL PERSONS BY THIS DOCUMENT that I, James D. McBride III
have made, constituted and appointed Kyle McCollum
to be my duly authorized representative in connection with an application dated _____,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

<u>James D. McBride III</u>		<u>James D. McBride III</u>	
Property Owner/Applicant Name		Property Owner/Applicant Signature	
<u>409 Ledgeway Ridge</u>	<u>Austin</u>	<u>TX</u>	<u>78746</u>
Street Address	City	State	Zip Code

512-760-4226
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 12th day of August, 20 20.

Sherr D. Miller
Notary Public in and for the State of Texas



APPLICATION COVER SHEET

Property Address: 409 Ledgeway Ridge, West Lake Hills, 78746

Applicant Name: Jim & Laura McBride

Designated Agent (if any, Power of Attorney Required): Kyle H. McCollum, AIA

Applicant Phone Number: 512.658.6354 Email Address: _____

Date Application was Submitted: Sept. 1, 2020

Variance(s) Requested: 4 Variances: (1) Overhang encroachment on western bedroom wing, (2) Overhang encroachment on eastern Office wing, (3) Construct a retaining wall & landscape arbor for privacy and erosion control (4) Construct a retaining wall to secure hill and manage drainage, erosion, and privacy.

Applicant completes above section; City Staff completes the section below:

Variance File Number: _____ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ _____ ☐ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____

☒ Letter to ZAPCO Chairperson ☒ Variance Approval Criteria Answers

☒ Site Plan Coversheet ☒ Site Plan Drawings

☒ Elevation Views and Floor Plans (new structures only)

☒ Septic Assessment (new structures only)

☒ Additional Support Materials (if any): _____

☒ Power of Attorney (if any) – Designated Representative: _____

Staff Analysis completed on _____ by _____

Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____

Notice to Proceed Letter sent to Applicant on _____ by _____

• Notification Letter must be postmarked by _____ ☐ Confirmed by _____

• Sign must be posted by _____ ☐ Confirmed by _____

15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: _____

ZAPCO Action Letter sent on _____ by _____

ZAPCO Recommendation: _____

Conditions/Comments (if any): _____

Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____

BOA/Council Action: _____

Conditions/Comments (if any): _____

BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____

• Notifications added to Incode on _____ by _____

Postponement History (if any): _____

Notes: _____

Letter to ZAPCO Chairperson

McCollum Studio Architects, llc

1300 West Lynn St., Suite 110

Austin, Texas 78703

www.mccollumstudio.com

McBride Residence- Setback Variance Request

409 Ledgeway Ridge, Westlake Hills, Texas 78746

Date: Aug. 31, 2020

Chairperson Robert Meisel

Westlake Hills Zoning and Planning Commission

911 Westlake Drive, Westlake Hills, Texas 78746

Dear Mr. Chairman:

I am writing to you as representative of Jim and Laura McBride, the recent buyers of a property on the newly platted Ledgeway East subdivision (Lot 6) off Ledgeway Ridge. During our preliminary investigations, the owner and design team discovered a significant hardship in the form of a prohibitive drainage easement and flood plain. While our early design efforts did not encroach on the floodplain and were fully compliant with existing setbacks, the design team felt the most compliant course of action was to drastically shift the design of the home to avoid encroachment into the drainage easement as well. This rendered the site less than ½ of its original net size. The original lot size is 1.1 acres. Because of the magnitude of the hardship, the site was reduced to a buildable area less than that allowed for ½ acre lots that have smaller setbacks. As a result of our best and repeated efforts to comply with existing ordinance and due to our unique hardship, we were forced to move the project up the hill 30' closer to the street. As an example of our best efforts to comply with existing setback limitations, and to avoid a 2 story design solution, we have placed the walls and foundation limits of the house within the existing setback limits of 25 feet. We are requesting setback relief for 2 overhangs and the front retaining walls & entry arbor. We are requesting approval for 2 overhang encroachment variances, and a variance for the retaining walls & arbor (that do not come closer than 25 feet from the front property line). We feel that this will attend to the existing spirit of the setbacks, maintain intended buffer, and will compensate for the loss of half of the buildable area to the rear and will allow us to construct compliant landscape structures to mitigate drainage and erosion from encroaching on the residence from the uphill street. Relief for the overhangs will help compensate for the loss of overall buildable net area. Thank you for your consideration and review.

Sincerely,



Kyle H. McCollum, AIA

McCollum Studio Architects



Aug. 31, 2020

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. *(Feel free to respond to these questions on a separate page or document.)*

- (1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

The existing site has a significant hardship in the form of a drainage easement that renders more than half of the property unbuildable. With the buildable area remaining and due to the steepness of the topography, development was forced uphill. Site area for erosion and drainage control, as well as space to provide privacy from the street was severely affected. Net buildable area has been severely reduced, negatively affecting property values and marketability of homes.

- (2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

The plans and new residence have been designed specifically for this property and has been customized with the express purpose to have as little impact on the existing topography and trees as possible.

- (3) What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

The magnitude of the site hardship forced the design uphill significantly. As the house was forced much closer to the street, additional topographic manipulation was required for access and drainage/erosion control. The resultant proximity to the street also necessitated the construction of additional landscape structures for privacy (i.e. higher than allowed retaining walls and ivy arbor).

- (4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

Due to the steepening topography closer to the street, and as a result of the hardship at the rear, the design solution was specifically integrated into the natural topography to protect it from future detrimental erosion and to provide secure access to the property from the street. The overhang variances are the request of the owner for the purpose of maintaining a consistent architectural style and protection offered by the proposed overhangs. With the reduced net buildable area, the Owner feels that since the extents of the foundation have complied with the more restrictive net area, relief for 2 overhang encroachments into the setback would represent a possible compromise.

- (5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

It does not violate the original intent of the zoning ordinance in that no foundation or heated footage violates the setback requirements. The proposed structures allow erosion and drainage control to be properly managed and allow necessary privacy to be established from the street. The variance requests do not encroach on the perceived distance between neighbors. No trees are affected by the variance requests.

- (6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The nature of the requests do not compromise the adjacent properties views, privacy, or access. In fact, we believe the variances will be received with great value from adjacent property owners because they properly manage hillside erosion, establish privacy to the structure from the street, and help maintain a consistent architectural theme. The variances will allow the project to remain a consistent single story design which will elevate its marketability and minimize its visual impact on the existing site.

Property Address: 409 Ledgeway Ridge, Westlake Hills, Tx 78746