



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, November 18, 2020 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 remote Regular Meeting on the 18th day of November 2020 at 6:30 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the order of the Office of the Governor issued March 16, 2020, the Zoning & Planning Commission 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 (COVID-19).

The public may participate in this meeting by dialing in to the following toll-free number **1-346-248-7799, Meeting ID: 880 2599 2367, Password: 033926**

If you wish to speak during the meeting, please submit your **name, phone number and the item #** you wish to speak on at least 6 hours prior to the meeting (12:30 p.m. on Wednesday November 18th) by emailing planner@westlakehills.org or pzsec@westlakehills.org.

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing planner@westlakehills.org or pzsec@westlakehills.org. **Comments must be received by 12:30 P.M. on November 18th.**

The meeting will be live streamed here: <http://mixlr.com/city-of-west-lake-hills/> and the audio will be available on the City’s website by Friday after the meeting.

1. Call to Order. Chairman Robert Meisel.

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 October 21, 2020 Regular Meeting Minutes.
3. Personnel Recognition of Commissioner Bill Vandersteel for his several years of service.
4. Personnel Welcome new Commissioner Karen Bartoletti.
5. 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
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
6. Land Use 895 Live Oak Circle: Discussion/recommendation on a variance request to build a front yard fence that encroaches the front building setback (West Lake Hills Code Sec. 22.03.173 (d)(6)(A)). Applicants/Owners Thomas & Gesine Seifert.
 - a. Staff Briefing
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
7. Land Use 1 Sweet Sky Road: Discussion/recommendation on a variance request for three variances for the construction of a fence and driveway gate: 1) side yard fence encroaching front fence setback; 2) install driveway gate encroaching the front setback; 3) install front fence connecting to driveway gate that encroaches the front setback. (West Lake Hills Code Sec. 22.03.173). Applicants/Owners Kevin Stutz & Jeannette Spinelli.
 - a. Staff Briefing
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
8. Land Use 310 Westhaven Drive: Discussion/recommendation on a request for two variances to remodel an existing nonconforming cabana: 1) building setback encroachment; and 2) exceed maximum allowed impervious cover. (West Lake Hills Code Sec. 22.03.281). Applicants/Owners Andrew Schwartz and Sylvia Arabian.
 - a. Staff Briefing

- b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
9. **Land Use 702 Loma Linda**: Discussion/recommendation on a variance request to remove six trees 14" or greater in order to construct a new home: 1) Tree # 595 - 17" Spanish Oak; 2) Tree # 597 - 15.5" Cedar; 3) Tree # 604 - 18" Live Oak; 4) Tree # 607 - 34.5" Multi-Trunk Cedar; 5) Tree # 626 - 14" Cedar; and 6) Tree # 649 - 14" Cedar. (West Lake Hills Code Sec. 22.03.304). Applicant Adam Mosier - Mosier Luxury Homes/Owners Santiago & Jenna Montoya.
- a. Staff Briefing
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
10. **Land Use 4611 Bee Cave Road (Eagle Center)**: Discussion/recommendation on a variance request to construct a new monument sign that exceeds the maximum allowed height, sign base height, and area. (West Lake Hills Code Sec. 32.03.006). Applicant David Alsmeyer.
- a. Staff Briefing
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
11. Adjournment. Chairman Robert Meisel.

Robert Meisel, Chairman
By Anjali Naini, Director of Building &
Development Services

Certificate

I certify that the above Notice of the November 18, 2020 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, November 13, 2020 by 5:00 pm. and will remain posted continuously until said meeting is convened.

By Anjali Naini, Director of Building &
Development Services

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).

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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?

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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.

DRAFT

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:

DRAFT

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.

DRAFT



SETBACK VARIANCE STAFF REPORT

NOVEMBER 18, 2020

Project Address: 416 Ridgewood Road

Project Number: 16124

Agenda Item: 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.

Applicant Information: Applicant Victoria Keith

Hearing Dates:

October 21, 2020 ZAPCO - *postponed*

November 18, 2020 ZAPCO

December 9, 2020 Board of Adjustment

Location: The subject property is located east of Brady Lane, south of Hatley Drive, and north of Rollingwood Drive and Bee Cave Road. The property is approximately 0.2172 acre.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential.

Background & Analysis:

The homeowner, Ms. Keith, is seeking a side setback variance to construct a small standalone accessory structure in her backyard to serve as a home office/school room. The structure's measurements are 10ft x 12ft, and would encroach approximately 7ft into the side setback. If the structure is placed within the allowable buildable area, it would occupy the middle of the backyard, reducing the functionality of the outdoor space.

Ms. Keith's home is approximately 1,377sf and she needs additional space to work from home and space for her son's virtual schooling. The accessory structure will not include any plumbing.

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 – “At .21 acre, this lot is one of the smallest residential lots in WLH. Imposing the current setbacks means 5,753 SF or 61% of my lot area is contained within the restricted building setbacks, e.g. there remains only 3,708 SF of allowable buildable area.”

“The 15’ setback requirement as applied to either side of backyard would put the structure in the middle of my backyard, greatly reducing the aesthetic appearance as well as functionality of my yard. My 12 year old son enjoys playing in the yard with friends. Placement in the proposed area would fit perfectly with the existing landscape and “tucked away” in an unused space to the side. The max height of the structure in its proposed location will be approximately 10’.”

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

The application states – “There is only dead grass on the area now. No grass or trees are impacted nor any change in the terrain.”

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

The application states – “The only alternative is to add onto the home itself, which would require a greater variance, is cost prohibitive for me at this time as well as a much longer process.”

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

The application states – “The proposed structure is a very small (10 x 12, 120 square feet) building with only electrical service. This is the absolute minimum that will allow me a functional office or school space. It is fully portable with skid foundation. I am requesting a 7’ setback variance; the proposed site has an 8’ setback. if placed within the 15’ setbacks, the building would be in the middle of my yard and fall within existing landscaping.”

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

The application states – “My home is tiny, 1377 square feet. I need only a single 7 foot variance on one side of my yard. Placement at the suggested is basically tucked into an unused space and the unobtrusive. It will not be visible from the street.”

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

The application states – “I see no impact at all to my neighbors: no view is obstructed, no additional noise or traffic will result.”

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

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.

Staff Recommendation

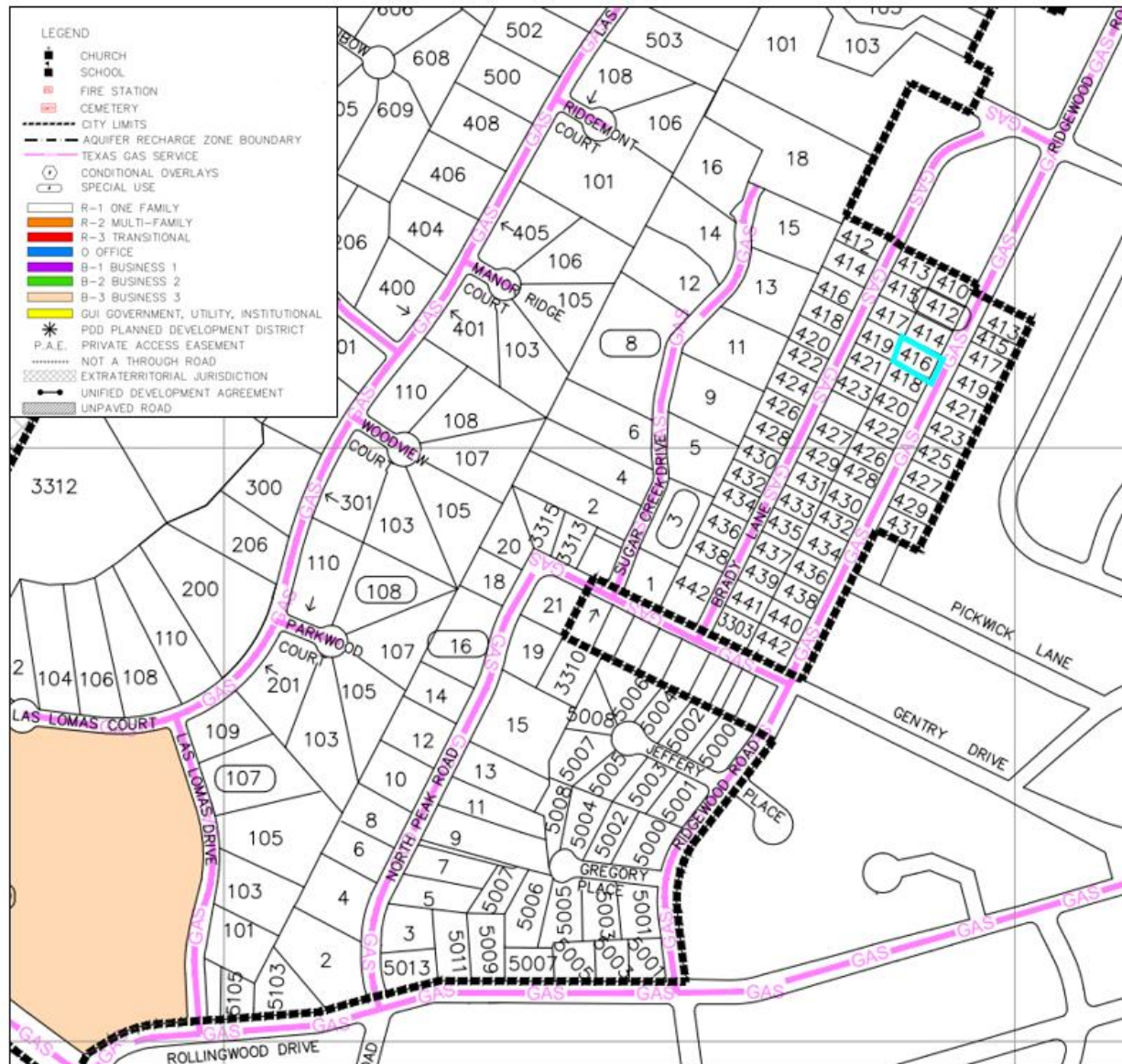
The staff recommendation is denial due to lack of hardship. It appears there are other possible location for the proposed accessory structure that would comply with the City's Code.

Links to Relevant Code:

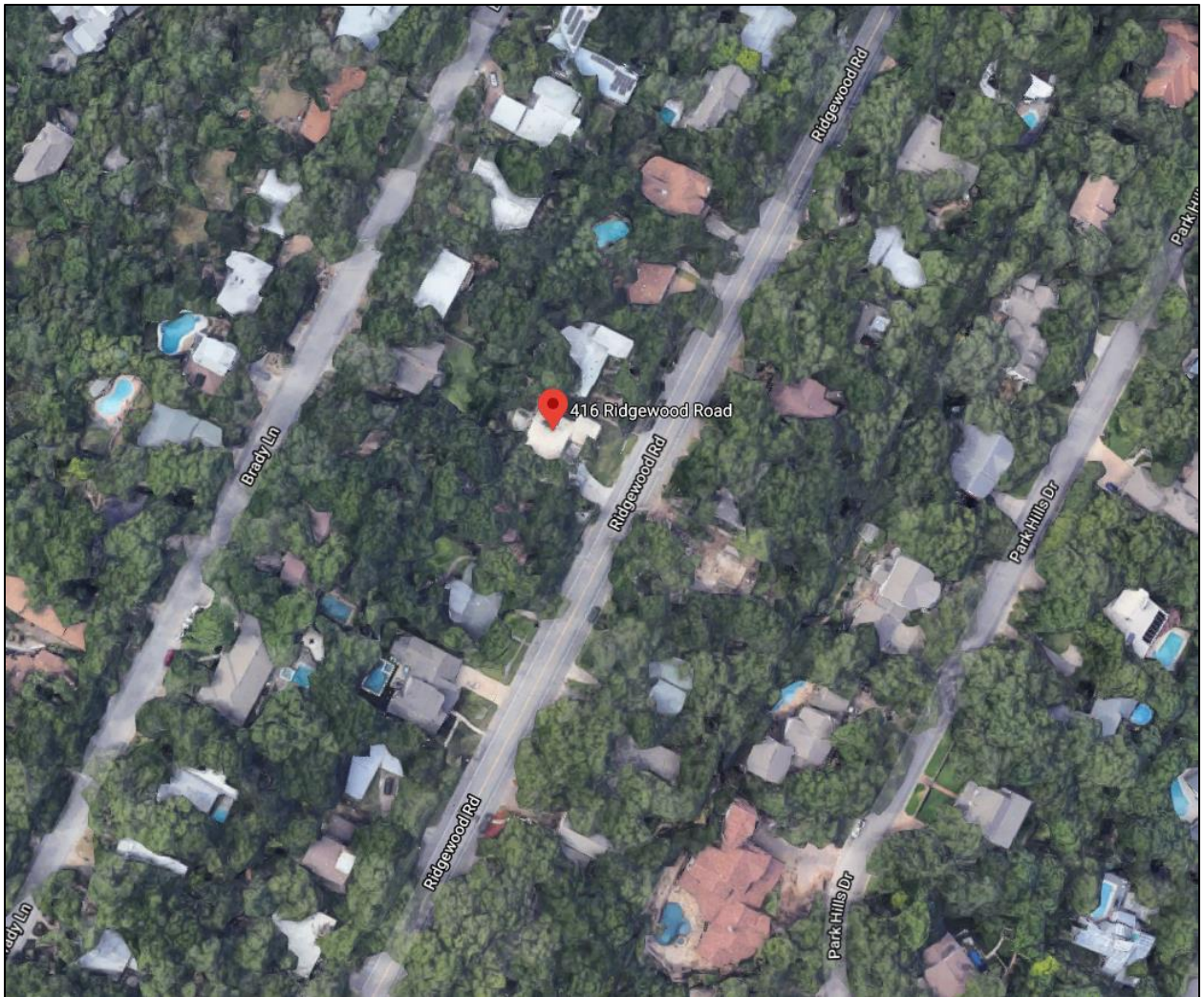
- [Article 22.03, Division 8 Dimensional Regulations](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

(Maps to follow)

Zoning:



Aerial:



APPLICATION COVER SHEET

Property Address: 416 RIDGEWOOD RD. AUSTIN, TX 78746
Applicant Name: VICTORIA (TORI) KEITH
Designated Agent (if any, Power of Attorney Required): _____
Applicant Phone Number: 512-699-6272 Email Address: [REDACTED]
Date Application was Submitted: _____
Variance(s) Requested: _____

SETBACK

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: _____

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

- 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.**

At .21 Acres, this lot is one of the smallest residential lots in WLH. Imposing the current setbacks means 5,753 SF or 61% of my lot area is contained within the restricted building setbacks, e.g. there remains only 3,708 SF of allowable buildable area.

The 15' setback requirement as applied to either side of backyard would put the structure in the middle of my backyard, greatly reducing the aesthetic appearance as well as functionality of my yard. My 12 year old son enjoys playing in the yard with friends. Placement in the proposed area would fit perfectly with existing landscape and "tucked away" in an unused space to the side. The max height of the structure, in it's proposed location will be approximately 10'.

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

There is only dead grass on the area now. No grass or trees are impacted nor any change in the terrain.

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

The only alternative is to add onto the home itself, which would require a greater variance, is cost prohibitive for me at this time as well as a much longer process.

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

The proposed structure is a very small (10 x 12, 120 square feet) building with only electrical service. This is the absolute minimum that will allow me a functional office or school space. It is fully portable with skid foundation. I am requesting a 7' set back variance; the proposed site has an 8' setback. If placed within the 15' setbacks, the building would be in the middle of my yard and fall within existing landscaping.

- 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?**

My home is tiny, 1377 square feet. I need only a single 7 foot variance on one side of my yard. Placement at the suggested site is basically tucked into an unused space and the unobtrusive. It will not be visible from the street.

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

I see no impact at all to my neighbors: no view is obstructed, no additional noise or traffic will result.

Property Address: 416 Ridgewood Road

LETTER TO ZAPCO CHAIRPERSON

September 10, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, TX 78746

Dear Mr. Chairman:

I purchased a very small home in June, 2019, for my son and myself at 416 Ridgewood Road. To be exact, my home is a whopping 1377 square feet! I appreciated the ease, efficiency and small environmental footprint of the home and since I worked in an office five days a week and my son was at school and often at his father's house, it worked well for us - until the prolonged shut down due to Covid-19.

I am a single, full-time working mother, now in my 6th straight month of working from home as well as homeschooling my middle school son. My office will remain closed until the summer of 2021, and my son will be in remote school until at least January, 2021 and very possibly next semester as well. As you might imagine, this is a very difficult situation in such a small space.

I cannot afford to add onto the home at this time, and need a faster simpler solution to having a little bit more space. I found an excellent solution – a site built, stand alone accessory structure that is 10' x 12', 120 square foot offering. This building will have electrical service only, no plumbing, and will serve as an office or school room – or both! I have the ideal spot for it: it fits perfectly within existing landscaping and will cover unsightly dead grass. Photos included.

My lot is extremely small, and while a 15' set back from the rear of the yard is no problem, 15' from either the left or right side places the building in the middle of the yard, encroaching on existing landscaping and impairing the function and aesthetics of my beautiful lush yard. I am thus requesting a setback variance of 7 feet on the left side of my yard. I have attached photos of the yard, the building, and proposed site. I look forward to discussing this with you and the Board soon. Thank you.

Sincerely,
Tori (Victoria) Ott Keith

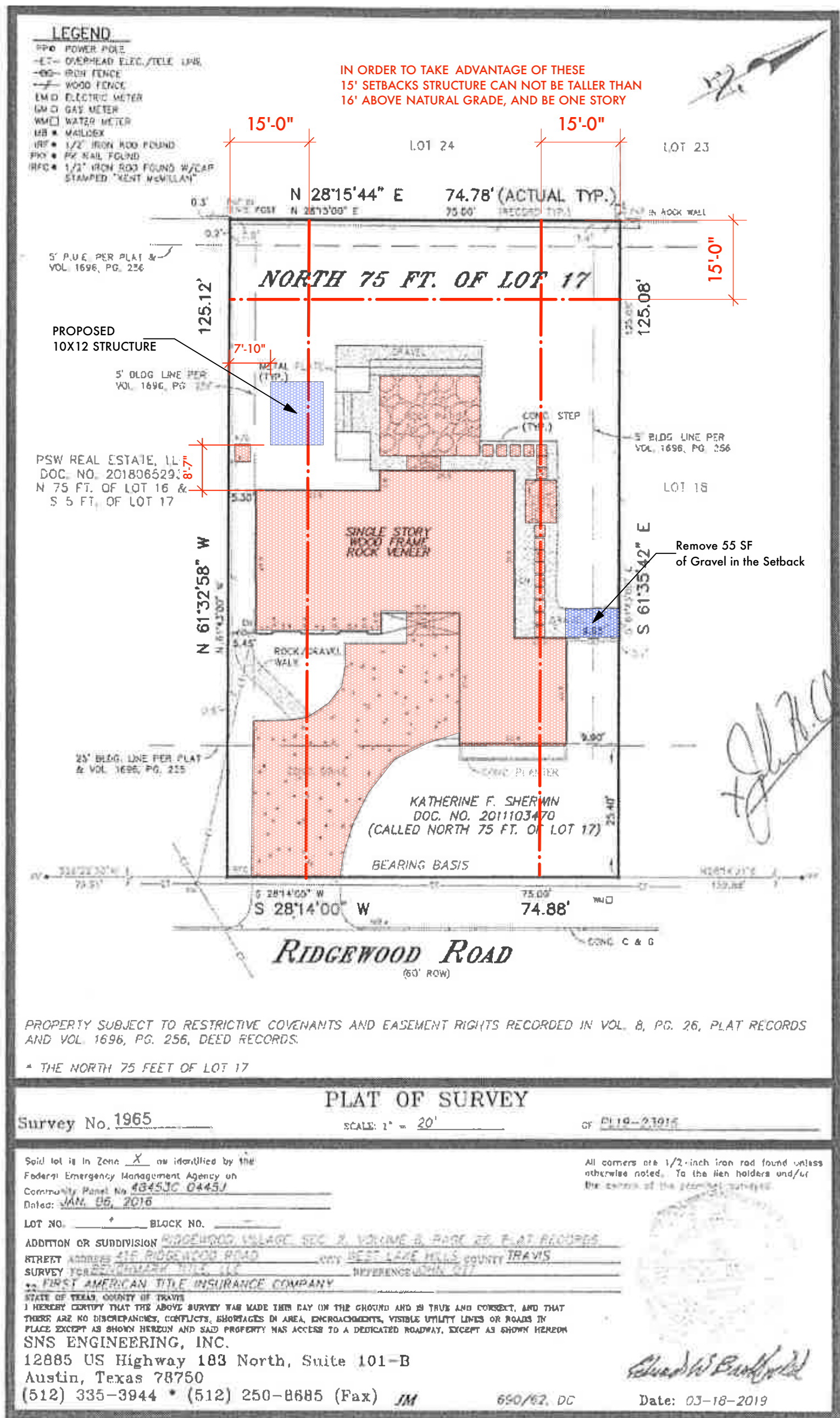












9461 SF = .21 Acres
Allowable IC - Sliding Scale = 39.5% IC
3737 SF of IC Permitted

House and Driveway = 2877
Pavers, Rock and AC Pad = 425
Landscape Gravel NOT IN SETBACK = 402 SF @ 50% = 201 SF
Landscape Gravel IN SETBACK = 126 SF
REMOVE 55 SF OF GRAVEL IN SETBACK = -55
Proposed Improvement - 10x12m= 120

TOTAL EXISTING AND PROPOSED IC = 3,694 SF

Proposed site with variance granted from the front door view and side view, showing the structure closer in than the existing house.

Existing shed at 418 Ridgewood not 15' setback













FENCE VARIANCES STAFF REPORT

NOVEMBER 18, 2020

Project Address: 895 Live Oak Circle

Project Number: 16210

Agenda Item: Land Use: 895 Live Oak Circle: Discussion/recommendation on a variance request to build a front yard fence that encroaches the front building setback (West Lake Hills Code Sec. 22.03.173 (d)(6)(A)). Applicants/Owners Thomas & Gesine Seifert.

Applicant Information: Homeowners Thomas and Gesine Seifert

Hearing Dates:

November 18, 2020 ZAPCO

December 9, 2020 Board of Adjustment

Location: The subject property is located north of Yaupon Valley Road, west of Laurel Valley Road, and south of Redbud Trail.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 1.46 acres.

Background & Analysis:

The homeowners Mr. and Mrs. Seifert are applying for a front yard fence variance to construct a fence that encroaches the front yard fence setback. Properties that are 0.75 acre and larger are subject to a 30ft front yard fence setback. The proposed is located 12ft – 15ft from the road. Mr. and Mrs. Seifert would like a privacy fence to shield their home from the street, and are proposing a 4ft fence. Due to the steep topography and location of a large retaining wall, they are limited in the location of the fence. The fence would also have to be taller if it were located closer to the house.

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 – “Our home is completely transparent from the street and passers-by can look in (some even wave when they walk by). In terms of this

ordinance are strictly or literally enforced, the front yard fence would be too close to the existing retaining wall by the driveway. Also, due to the steep slope of the front yard, the fence would have to be significantly higher than the proposed 4ft in order to achieve a minimum of privacy, both for the neighbors passing-by and ourselves. A 6-ft fence sitting right above the retaining wall would give the appearance of a tall wall when looking out from the home.”

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

The application states – “The proposed front yard fence will not have any impact on the existing flora and trees. On the contrary: with the proposed material of rusted steel at the upper edge and plantings of native mountain laurel it will blend in with the natural terrain very nicely.”

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

The application states – “If we follow the ordinance in terms of distance from the road, we would need to increase the height of the fence to the maximum allowed height of 6ft. Not only would that add significantly to the cost of the project, but would also not be as aesthetically pleasing as the proposed 4ft-fence at 12-15ft from the road.”

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

The application states – “We believe that the variance we are requesting is the right trade-off: it allows us to keep the fence low at 4ft, aesthetically pleasing within a reasonable budget and still significantly farther from the road than the previous fence.”

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

The application states – “The fence that was on the property from 1984 – 2020 was not even on the property, but in the right-of-way. Our proposed front yard fence takes the fence back 12 – 15 feet from the road and in terms of design and materials will be much better integrated in the existing landscape.”

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

The application states – “The proposed front yard fence will have about the same distance from the road as the fence of the property across the street. It doesn’t intervene with any views of the neighboring properties. It complements the design of our modern home, enhances the overall beauty of the neighborhood and has been seen favorably by the neighbors we have discussed the project with.”

Lighting

Outdoor lighting is not proposed with this variance request/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 existing and future land use comply with the Master Plan.

Staff Recommendation

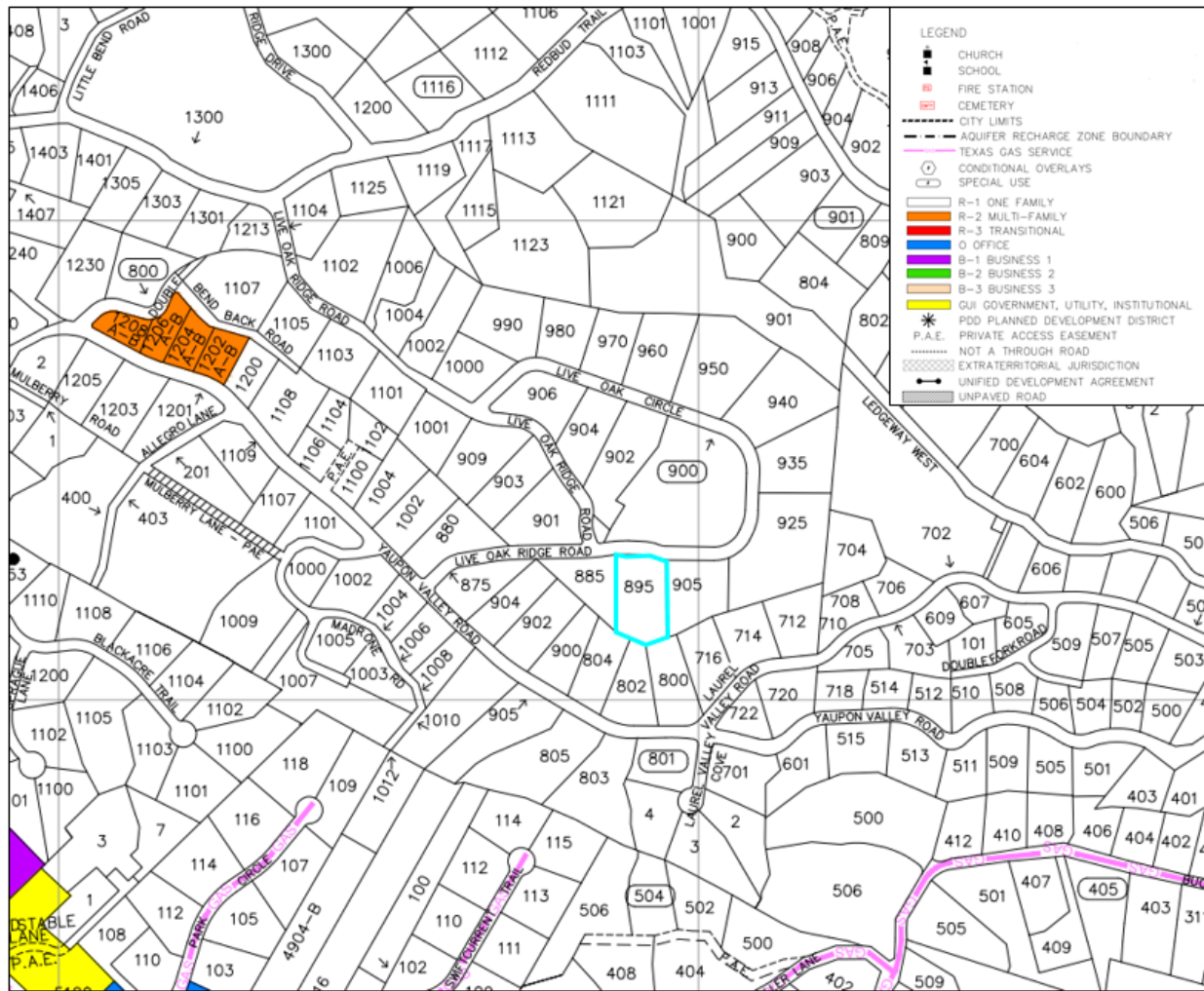
The staff recommendation is denial due to a lack of hardship.

Links to Relevant Code:

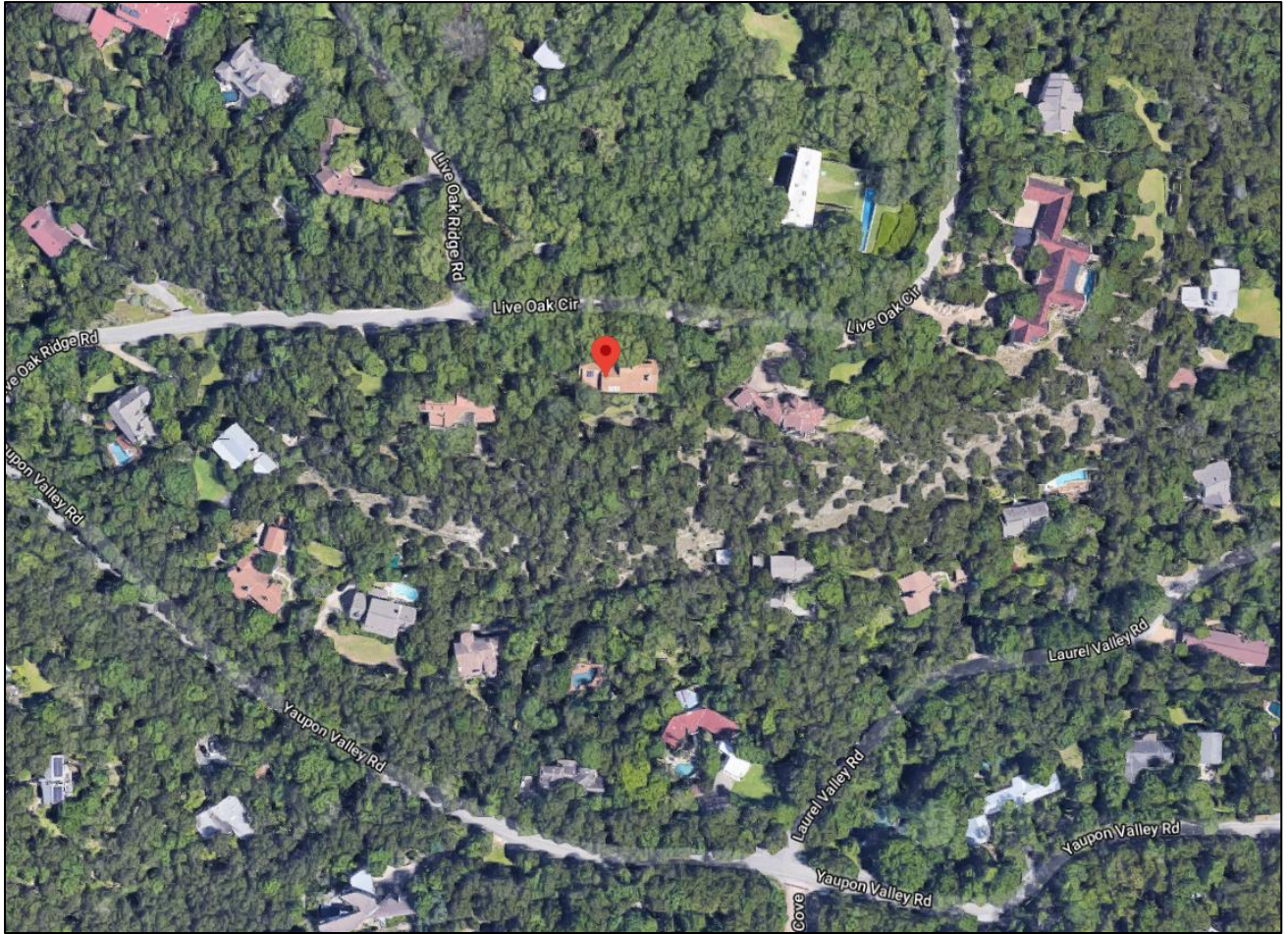
- [Sec. 22.03.173 Fences](#)

(Maps to follow)

Zoning:



Aerial:



October 7, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, TX 78746

Dear Mr. Chairman:

We are seeking a variance to build a front yard fence that is set back from the street not 30ft but 12-15ft.

The home on the property is new construction that was finished in April 2020. It has a very contemporary design and is completely transparent from the street. The lot slopes rather steeply from the street to the house. If the terms of the ordinance are strictly enforced, we would need to increase the height of the fence to the maximum allowed height of 6ft in order to achieve a minimum of privacy, both for the neighbors passing-by and for ourselves. That option would not be as aesthetically pleasing as the proposed 4-ft fence, and it would also add significantly to the cost of the project.

The proposed front yard fence would have about the same distance from the street as the fence of the property across the street. It doesn't intervene with any views of the neighboring properties, complements the design of our modern home and enhances the overall beauty of the neighborhood. It is worthwhile to point out that the fence that was originally on the property from 1984-2020 was right next to the street and in the right-of-way.

The proposed front yard fence will not have any impact on the existing flora and fauna. On the contrary: with the proposed material of rusted steel on the upper edge and plantings of native mountain laurel it will blend in with the natural terrain very nicely.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Seifert", followed by a large, stylized flourish or scribble.

APPLICATION COVER SHEET

Property Address: 895 Live Oak Circle, West Lake Hills, TX 78746
Applicant Name: Thomas and Gesine Seifert
Designated Agent (if any, Power of Attorney Required): n/a
Applicant Phone Number: 512.671.0404 Email Address: [REDACTED]
Date Application was Submitted: 10/07/2020
Variance(s) Requested: Front Yard Fence Closer to Road (12-15 ft) than Specified in Ordinance (30ft)

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

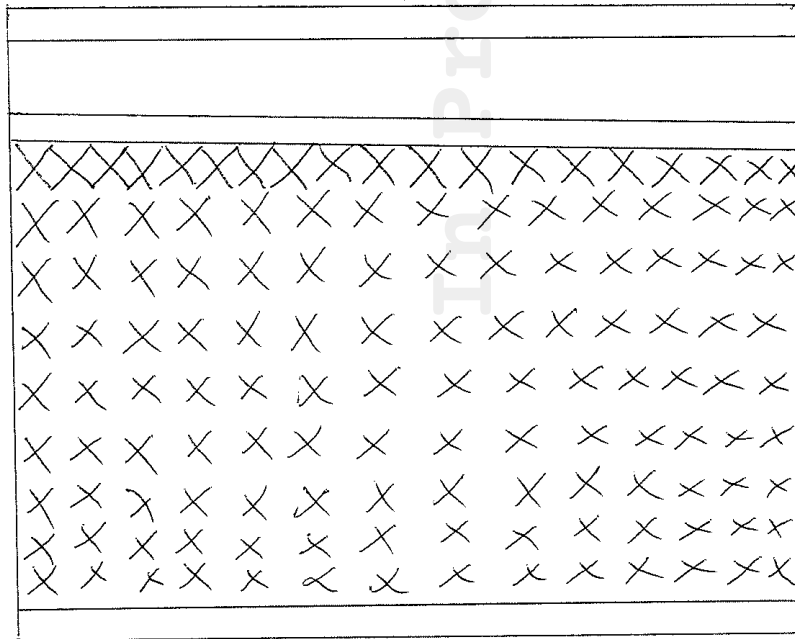
Follow-up dates (vegetative screening installed, survival verification, etc.): _____
• Notifications added to Incode on _____ by _____
Postponement History (if any): _____
Notes: _____

Front fence

4' 6" Tall

Framed by 2"x2" tubing - 3 rail Smooth Top/Smooth Bottom

Posts 2"x2" Tubing (set in concrete) approx. 2' to insure stability



Color: Raw Steel for natural look

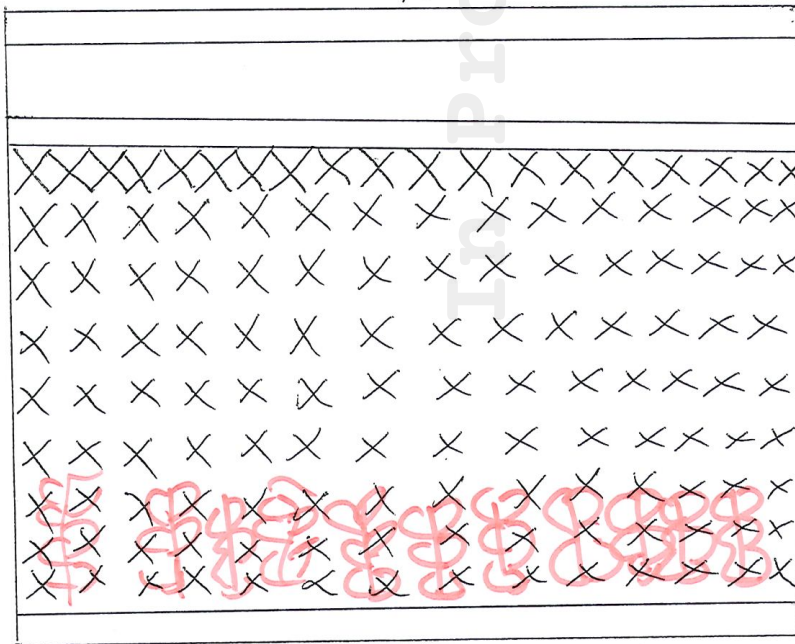
Front fence

4' 6" Tall

Framed by 2" x 2" tubing - 3 rail Smooth Top / Smooth Bottom

Posts 2" x 2" Tubing (set in concrete) approx. 2' to insure stability

NOTE:
10 gallon
mtn. laurels
on 6' centers



Color: Raw Steel for natural look

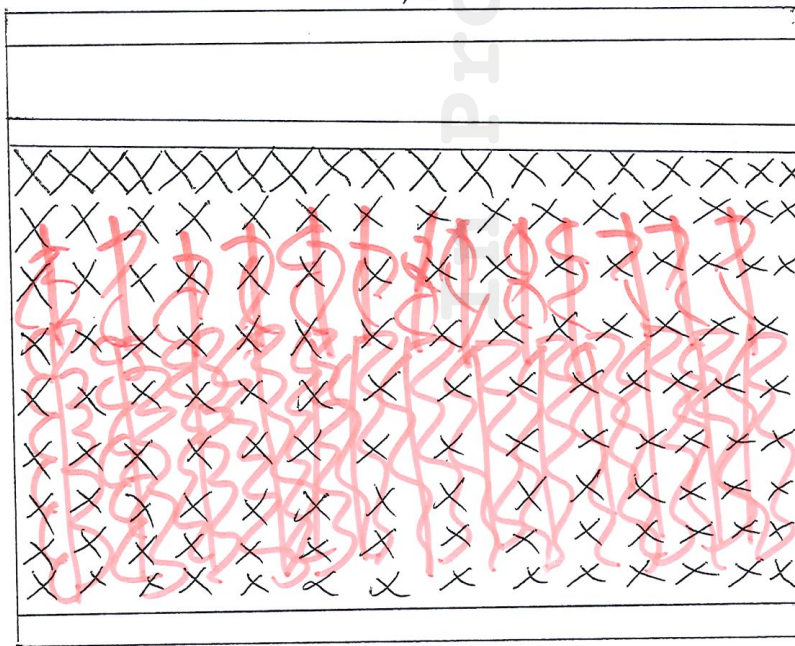
Front fence

4' 6" Tall

Framed by 2"x2" tubing - 3 rail Smooth Top/Smooth Bottom
posts 2"x2" tubing (set in concrete) approx. 2' to insure stability

NOTE:

3 year
estimated
Height



Color: Raw Steel for natural look

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

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.

Our home is completely transparent from the street and passers-by can look in (some even wave when they walk by).

If the terms of this ordinance are strictly or literally enforced, the front yard fence would be too close to the existing retaining wall by the driveway. Also, due to the steep slope of the front yard, the fence would have to be significantly higher than the proposed 4ft in order to achieve a minimum of privacy, both for the neighbors passing-by and ourselves. A 6-ft fence sitting right above the retaining wall would give the appearance of a tall wall when looking out from the home.

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

The proposed front yard fence will not have any impact on the existing flora and trees. On the contrary: with the proposed material of rusted steel at the upper edge and plantings of native mountain laurel it will blend in with the natural terrain very nicely.

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

If we follow the ordinance in terms of distance from the road, we would need to increase the height of the fence to the maximum allowed height of 6ft. Not only would that add significantly to the cost of the project, but would also not be as aesthetically pleasing as the proposed 4-ft-fence at 12-15ft from the road.

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

We believe that the variance we are requesting is the right trade-off: It allows us to keep the fence low at 4ft, aesthetically pleasing within a reasonable budget and still significantly farther from the road than the previous fence.

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?

The fence that was on the property from 1984 - 2020 was not even on the property, but in the right-of-way. Our proposed front yard fence takes the fence back 12-15 feet from the road and in terms of design and materials will be much better integrated in the existing landscape.

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 proposed front yard fence will have about the same distance from the road as the fence of the property across the street. It doesn't intervene with any views of the neighboring properties. It complements the design of our modern home, enhances the overall beauty of the neighborhood and has been seen favorably by the neighbors we have discussed the project with.

Anjali Naini
City of West Lake Hills
911 Westlake Dr.
West Lake Hills, TX 78746

October 7, 2020

Dear Ms. Naini,

First, my wife and I would like to thank you for all your help thus far with the permitting for our house. We know we are doing a lot and your attentiveness and understanding has been greatly appreciated!

We have new neighbors at 895 Live Oak, the Seiferts, who have asked us about putting in a fence in their front yard. Many of us are trying to improve and beautify our neighborhood, and we have no objections to the Seifert's proposed front yard fence. Based on the pictures they showed us, we believe it is going to look great.

Sincerely,

Jason and Jessica Karp
900 Live Oak Circle,
West Lake Hills, TX 78746

The image shows two handwritten signatures in black ink. The signature on the left is 'Jason Karp' and the signature on the right is 'Jessica Karp'. Both are written in a cursive, flowing style.

Kirk and Cathy Van Sickle
905 Live Oak Circle
West Lake Hills, TX 78746
Tel: (832) 296-6250

October 2, 2020

Anjali Naini
City of West Lake Hills
911 Westlake Dr.
West Lake Hills, TX 78746

To Whom it May Concern,

We would like to express our full support for the Seiferts' fence project. Not only will the fence be farther away from the road than the previous fence, but with its design it will enhance the appearance of the front yard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kirk Van Sickle", written in a cursive style.



FENCE VARIANCES STAFF REPORT

NOVEMBER 18, 2020

Project Address: 1 Sweet Sky Road

Project Number: 16127

Agenda Item: Land Use: 1 Sweet Sky: Discussion/recommendation on a variance request for three variances for the construction of a fence and driveway gate: 1) side yard fence encroaching front fence setback; 2) install driveway gate encroaching the front setback; 3) install front fence connecting to driveway gate that encroaches the front setback. (West Lake Hills Code Sec. 22.03.173). Applicants/Owners Kevin Stutz & Jeannette Spinelli.

Applicant Information: Homeowners Kevin Stutz and Jeannette Spinelli

Hearing Dates:

November 18, 2020 ZAPCO

December 9, 2020 City Council

Location: The subject property is located north of Redbud Trail, south of Windsong Trail, and west of Westlake Drive.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 1.23 acres.

Background & Analysis:

The homeowners Mr. Stutz and Ms. Spinelli are seeking a fence variance for their side yard fence that encroaches the front fence setback; driveway gate that encroaches the front setback (located at 20ft instead of 30ft); and portion of a fence in the front yard setback that connects from the driveway gate to the retaining wall at the front of the property.

Their property steeply drops off from the street. There is a large retaining wall at the front of the property where it adjoins the street and ranges in height from 4ft to 15ft (appears to be part of the public right-of-way as it seems to be supporting the street infrastructure).

The application includes a request to install a front yard fence spanning the width of the property located on top of the retaining wall; however, because that appears to be City right-of-way, this request cannot be processed as a variance request and will be considered

separately by City Council to see if there are other suitable options to address the safety concerns.

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 risk of someone falling onto my property and hurting themselves.” The applicants also stated in conversations with staff that the topography is challenging.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “Nothing will be disrupted with respect to terrain or flora.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “No other option would create the same safety.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application explains that this is the minimum needed to alleviate the hardship.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
No response provided. The variances requested do not appear to violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application explains the request will not adversely affect neighbors.”

Lighting

Outdoor lighting is not proposed with this variance request/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 existing and future land use comply with the Master Plan.

Staff Recommendation

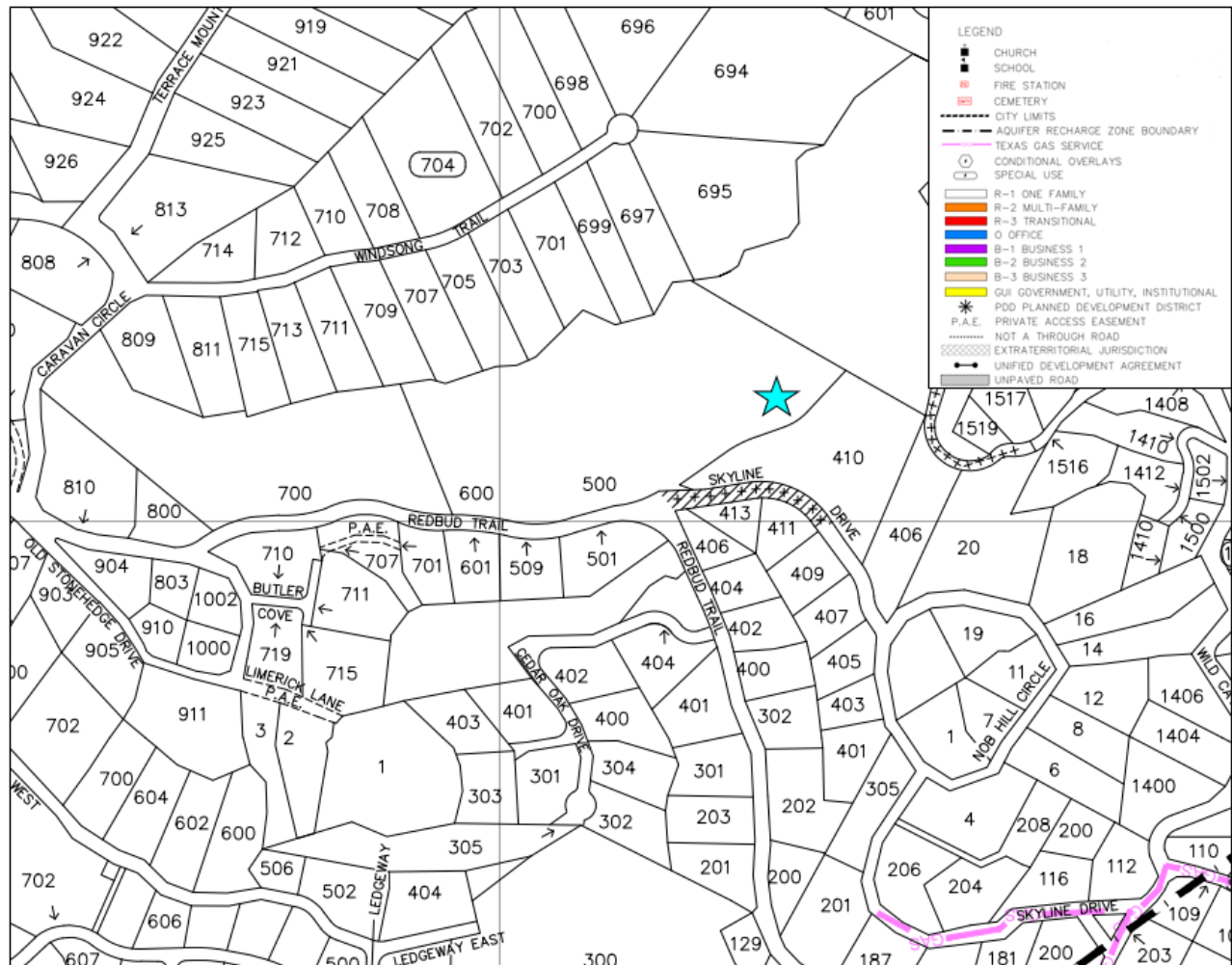
The staff recommendation is denial due to a lack of hardship for the requested variances.

Links to Relevant Code:

- [Sec. 22.03.173 Fences](#)

(Maps to follow)

Zoning:



Aerial:



Date: 10-1-20

Chairman Robert Meisel

Westlake Hills Zoning and Planning Commission

911 Westlake Dr

Westlake Hills, Texas 78746

Dear Mr. Chairman:

I am seeking a variance for the safety of my property. It is a unique situation as I have a wall in the front of the property spanning across the front. The wall has a 4ft drop continuing across the front to a 15ft drop.

I would like to position a safety fence behind the current guard rail because the guard rail is insufficient to keep people from falling onto my property.

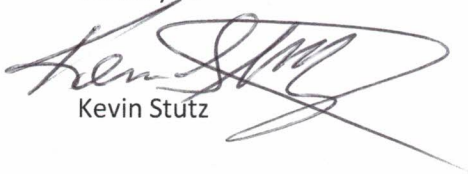
The safety fence would be just behind the guard rail extending 3 ft higher than the guard rail and spanning the front of my property.

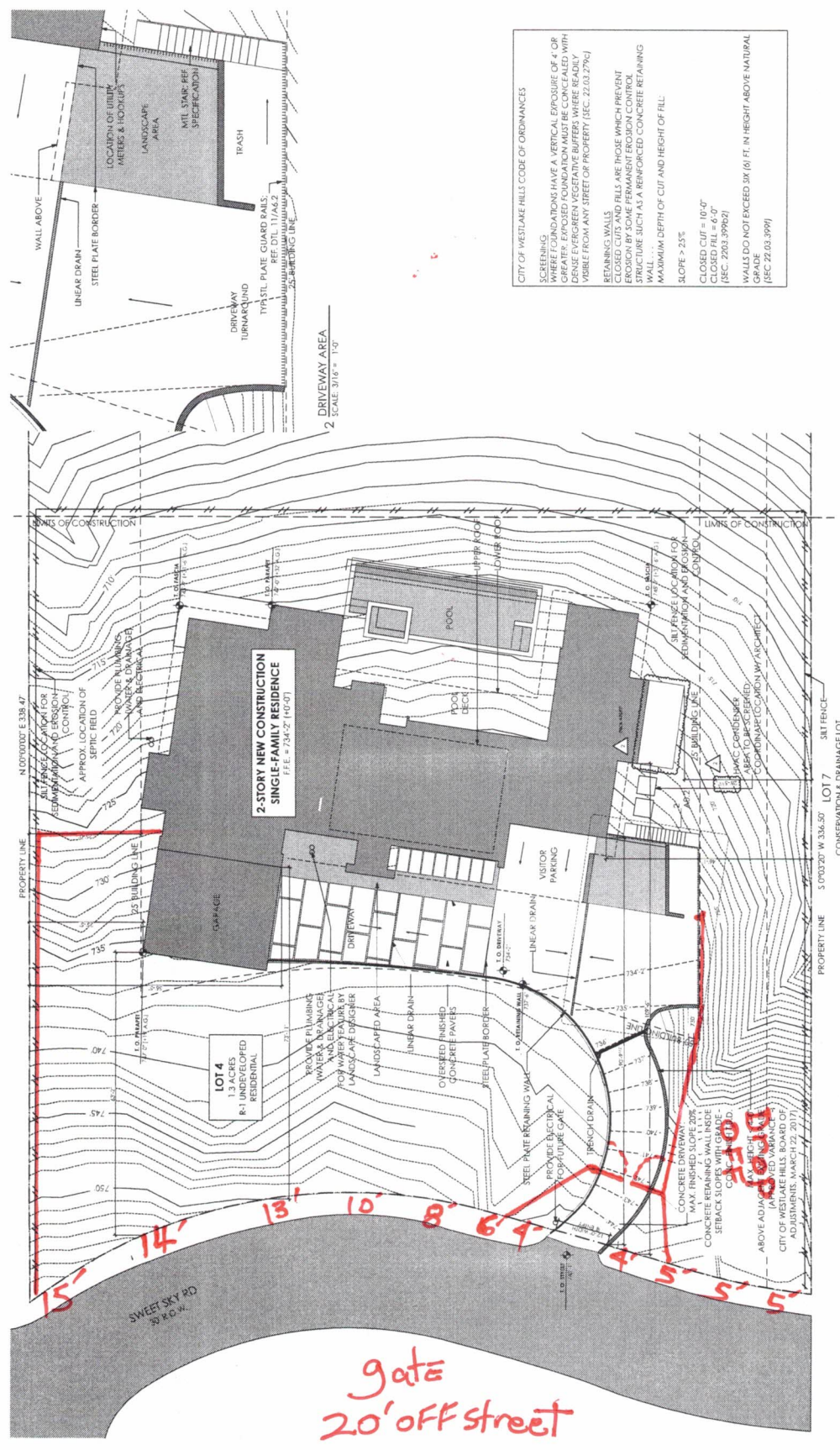
I would also like to put the entry gate at the 20ft mark off the street instead of 30ft of the street.

The house could not be positioned back on the property, so it is up at the build line 50ft due to topography and height issues we ran into during permitting.

The gate at 20ft would allow a car to get off the street to open the gate.

Thank you


Kevin Stutz



ENTIRE STRUCTURE TO BE TYPE V-B CONSTRUCTION INSTALLATION OF AN APPROVED NFPA 13D SPRINKLER SYSTEM, WITHOUT EXEMPTIONS, THROUGHOUT THE ENTIRE STRUCTURE (INCLUDING COVERED OUTDOOR AREAS) IS REQUIRED. EXTERIOR OF STRUCTURE MUST BE CONSTRUCTED WITH "CLASS 1" FIBER-REINFORCED CONSTRUCTION WITH SECTION 504 OF THE INTERNATIONAL WILDFIRE AND URBAN INTERFACE CODE 2012 EDITION, AS AMENDED. DEMONSTRATION AND MAINTAINING COMPLIANCE WITH THE FUEL MITIGATION MEASURES PROVIDED IN DIVISION 9 OF THE CITY OF WEST LAKE HILLS CODES OF ORDINANCES 8.04.003 - NFPA 13D SPRINKLER SYSTEM.	FIRE FLOW DATA MAIN LEVEL LOWER LEVEL TOTAL AREA UNDER ROOF FIRE FLOW (09/11/2017): ALLOWABLE AREA FOR FIRE FLOW AND TYPE V-B CONSTRUCTION: 6,201 SF - 7,700 SF *WITH 45% REDUCTION PER THE CITY OF WEST LAKE HILLS CODE OF ORDINANCES 8.04.003 - NFPA 13D SPRINKLER SYSTEM	ENTIRE STRUCTURE TO BE TYPE V-B CONSTRUCTION INSTALLATION OF AN APPROVED NFPA 13D SPRINKLER SYSTEM, WITHOUT EXEMPTIONS, THROUGHOUT THE ENTIRE STRUCTURE (INCLUDING COVERED OUTDOOR AREAS) IS REQUIRED. EXTERIOR OF STRUCTURE MUST BE CONSTRUCTED WITH "CLASS 1" FIBER-REINFORCED CONSTRUCTION WITH SECTION 504 OF THE INTERNATIONAL WILDFIRE AND URBAN INTERFACE CODE 2012 EDITION, AS AMENDED. DEMONSTRATION AND MAINTAINING COMPLIANCE WITH THE FUEL MITIGATION MEASURES PROVIDED IN DIVISION 9 OF THE CITY OF WEST LAKE HILLS CODES OF ORDINANCES 8.04.003 - NFPA 13D SPRINKLER SYSTEM.	SITE PLAN NOTES IMPERVIOUS COVER CALCULATIONS TOTAL SITE AREA: IMPERVIOUS COVER ALLOWED: DRIVEWAY: BUILDING FOOTPRINT: DECK & POOL: RETAINING WALLS: TOTAL PROPOSED:	SLOPE CALCULATION MAX ALLOWABLE: AVERAGE NATURAL SLOPE: BELOW FOUNDATION: CALCULATION PER ORDINANCE 2017 ADOPTED 10/24/12 10.0223 X 111 X (1.725 - 0.7) / 1.387 ACRES 5.46 0223 X 8.8 X 101 (1.41) 3.1623 X 8.8 X 101 (1.41) TOTAL LENGTH OF CONTOUR LINES WITH PARCELS (FT) 1.1 COEFFICIENT CONVERSIONS 56. FT TO ACRES 0.0223
BUILDING AREAS TOTAL COND. AREA: TOTAL UNCOND. AREA: GARAGE / WORKSHOP STORAGE	5,827 SF 725 SF 678 SF 47 SF	LOT 4, UNIMPROVED SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OF PLAT THEREOF RECORDED UNDER DOCUMENT NO. 201403005 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	32 FT. 28.5%	LOT 4, UNIMPROVED SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OF PLAT THEREOF RECORDED UNDER DOCUMENT NO. 201403005 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

gate
20' off street



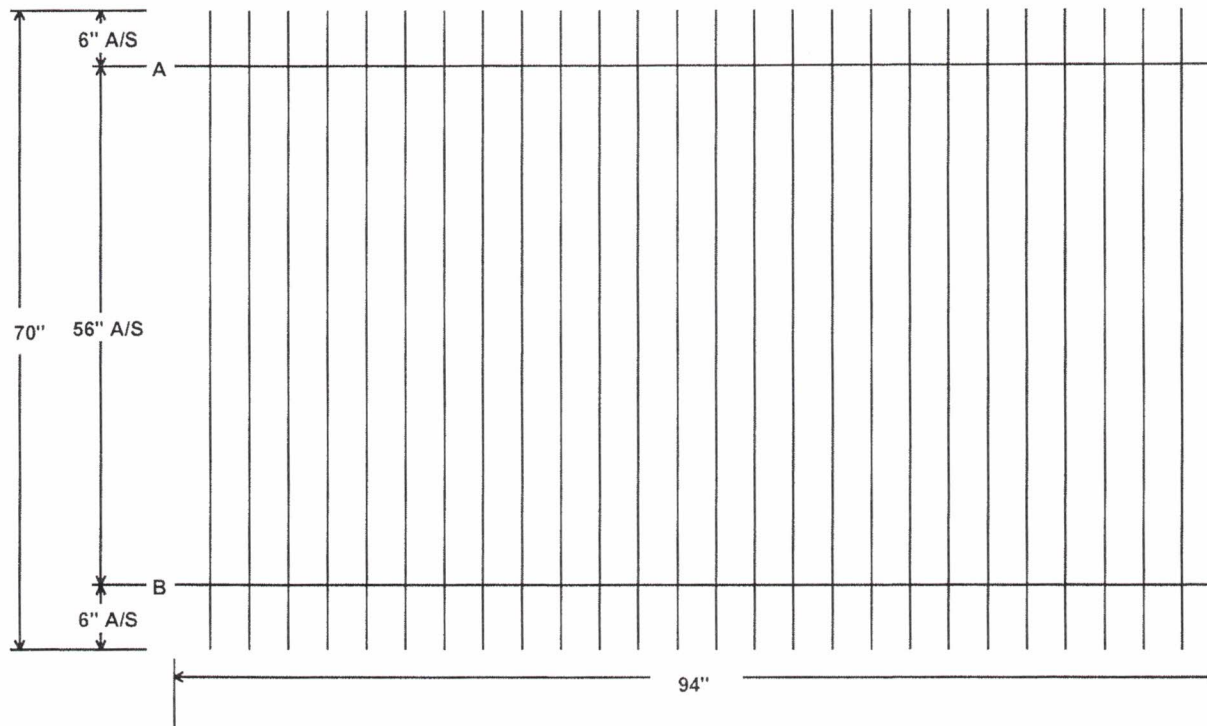
Work Order Drawing

WO#

Drawings are intended to show type only and are not to scale. Orders are not scheduled for production until price quotation, panel and gate drawings are signed and returned to Sundance Metal Fabricators as confirmation.

Job/Customer:	Kevin Stutz	Checked By:	
Color:	Shiny Black	Approved By:	

STYLE D



Accepted By: _____ Date: _____

Rail	Rail Material	Mount
A	1" x 1" x 16 ga. Galvanized	Surface
B	1" x 1" x 16 ga. Galvanized	Surface

Specs

Picket Spacing 3.5" On Center <i>1 3/8" Between Pickets</i>	Picket Material 5/8" x 5/8" x 18 ga. Galvanized
---	---

Description

1 Each 70" x 94" Style D Shiny Black panel(s)

Residential Automatic Driveway
Residential Entry
Modern Driveway
Single Driveway
Residential Entrance



Visual Search Save Share ... More

ere to search

Navigation icons: Home, Back, Forward, Search, and other browser controls.





Fullscreen Mode



you can opt-out if you wish.

[Cookie settings](#)

ACCEPT

Reject



Date: 10-1-20

Chairman Robert Meisel

Westlake Hills Zoning and Planning Commission

911 Westlake Dr

Westlake Hills, Texas 78746

Dear Mr. Chairman:

I am seeking a variance for the safety of my property. It is a unique situation as I have a wall in the front of the property spanning across the front. The wall has a 4ft drop continuing across the front to a 20 ft drop.

I would like to position a safety fence behind the current guard rail because the guard rail is insufficient to keep people from falling onto my property.

The safety fence would be just behind the guard rail extending 3 ft higher than the guard rail and spanning the front of my property.

I would also like to put the entry gate at the 15ft mark off the street instead of 30ft of the street.

The house could not be positioned back on the property, so it is up at the build line due to topography and height issues we ran into during permitting.

The gate at 15ft would allow a car to get off the street to open the gate.

Thank you


Kevin Stutz

APPLICATION COVER SHEET

Property Address: 1 Sweetsky Rd. Westlake Hills, TX 78746
Applicant Name: KEVIN Stutz
Designated Agent (if any, Power of Attorney Required): —
Applicant Phone Number: (512) 970 5979 Email Address: [REDACTED]
Date Application was Submitted: 10-1-20
Variance(s) Requested: I would like a variance for safety reasons:
1. fence to be on wall behind guard rail at street.
2. Entry gate to be at 15 ft. from street.

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: _____

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 RISK OF SOMEONE FALLING ONTO MY PROPERTY AND HURTING THEMSELVES.

- (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?

Nothing will be disrupted with respect to terrain or flora.

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

NO OTHER OPTION WOULD CREATE THE SAME SAFETY.

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

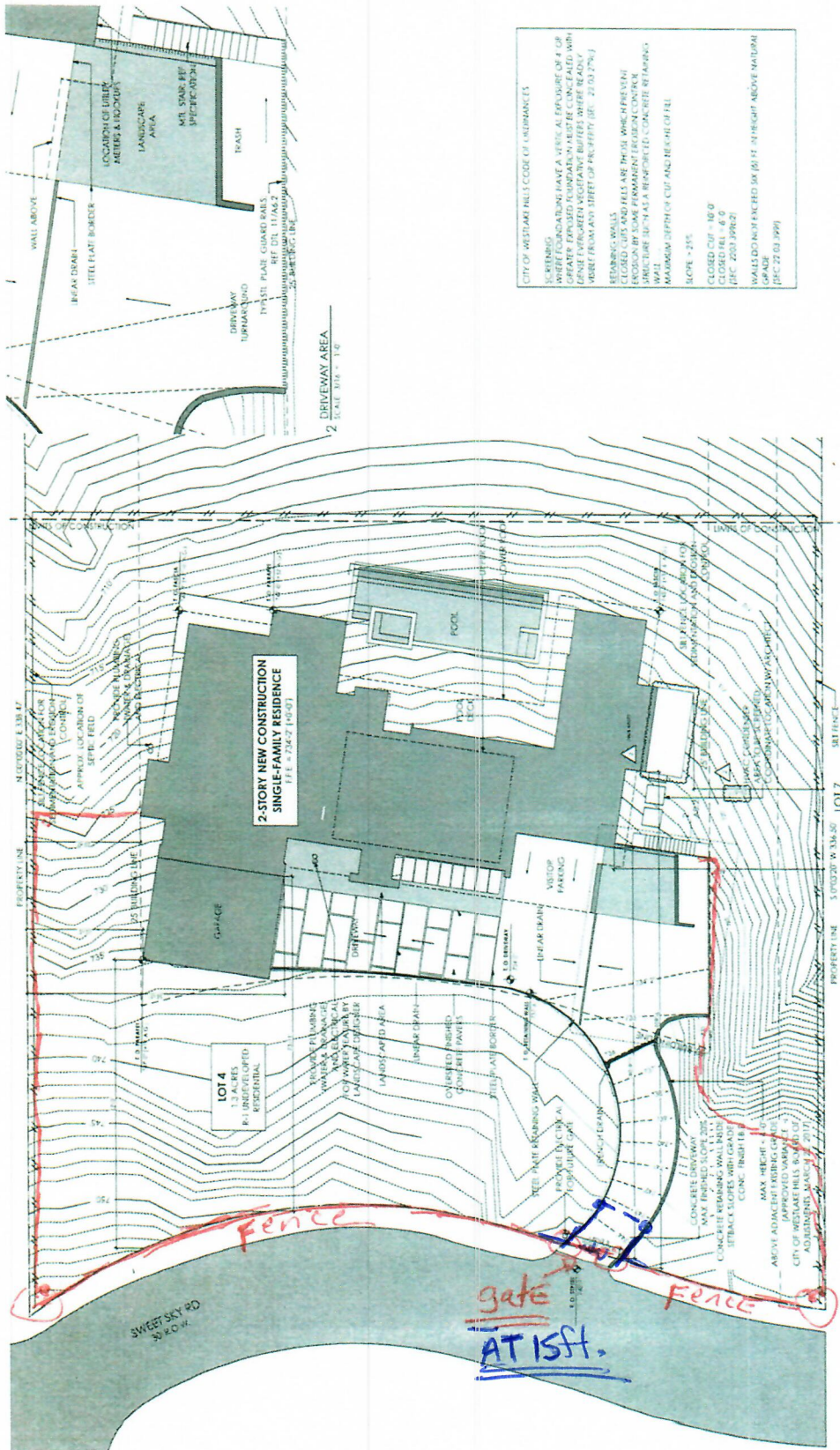
THIS EXTENSION OF THE GUARD RAIL IS THE MINIMUM INVASION OR DISRUPTION TO CREATE SAFETY IN FRONT WITH THE 20FT WALL

- (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?

- (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 EXTENSION OF THE GUARD RAIL WILL NOT ADVERSELY AFFECT NEIGHBORS IT WILL PROTECT THEM

Property Address: 1 Sweet Sky Rd.



SPINNELLI & STUTZ RESIDENCE

1 SWEET SKY RD
 WEST LAKE HILLS, TEXAS 78746

PROJECT: SPINNELLI & STUTZ RESIDENCE
 DRAWN BY: J. M. KELLEY, CP, RUP
 DATE: 10/20/2017
 TITLE: CONSTRUCTION DOCUMENTS (10/20/2017)
 SHEET: 1 OF 1

SITE PLAN
 SCALE: 1/8" = 1'-0"

FIRE FLOW DATA	
MAN LEVEL	4,800 SF
UNDER FLOOR	1,700 SF
TOTAL AREA UNDER FLOOR	6,500 SF
FIRE FLOW (30/11/2017)	963 GPM
ATTACHABLE AREA FOR FLOW AND TYPE V-B	
CONSTRUCTION, 2,201 SF - 7,700 SF	
WITH 60% REDUCTION PER THE CITY OF WEST LAKE HILLS	
CODE OF ORDINANCES 8.4.03 - NFA 130 (FIREFIGHTER)	

ENTIRE STRUCTURE TO BE TYPE V-B CONSTRUCTION	
INSTALLATION OF AN APPROVED AREA 130 SPRINKLER SYSTEM WITHOUT EXISTING THROUGH THE ENTIRE STRUCTURE INCLUDING COVERED OUTDOOR AREAS IS REQUIRED	
EXTERIOR OF STRUCTURE MUST BE CONSTRUCTED WITH CLASS 1 FIBERGLASS REINFORCED PLASTIC (FRP) WITH 1/4" THICKNESS AND 1/4" RADIUS CORNERS AND EDGES	
RETRACT CODE 2012 EDITION, AS AMENDED	
DEMONSTRATE AND MAINTAINING COMPLIANCE WITH THE FULL MEASUREMENTS PROVIDED IN THE CITY OF WEST LAKE HILLS CODES OF ORDINANCES IS REQUIRED	

SITE PLAN NOTES	
IMPERVIOUS COVER CALCULATIONS	
TOTAL SITE AREA	54,601 SF
IMPERVIOUS COVER ALLOWED	14,150 SF (25%)
IMPERVIOUS COVER REQUIRED	40,451 SF
IMPERVIOUS COVER PROVIDED	40,451 SF
IMPERVIOUS COVER DEFICIT	0 SF

SLOPE CALCULATION	
MAX ALLOWABLE	30 FT
AVERAGE NATURAL SLOPE	28.5%
BELOW FOUNDATION	
AREA OF IMPROVEMENT	1,700 SF
AREA OF IMPROVEMENT	1,700 SF
AREA OF IMPROVEMENT	1,700 SF

BUILDING AREAS	
TOTAL COND. AREA	5,827 SF
TOTAL UNCOND. AREA	725 SF
GARAGE / WORKSHOP	629 SF
STORAGE	47 SF

A0.2
 10/20/2017 10:11:15 AM
 © 2017 CLARK + ASSOCIATES

LOT SURVEY

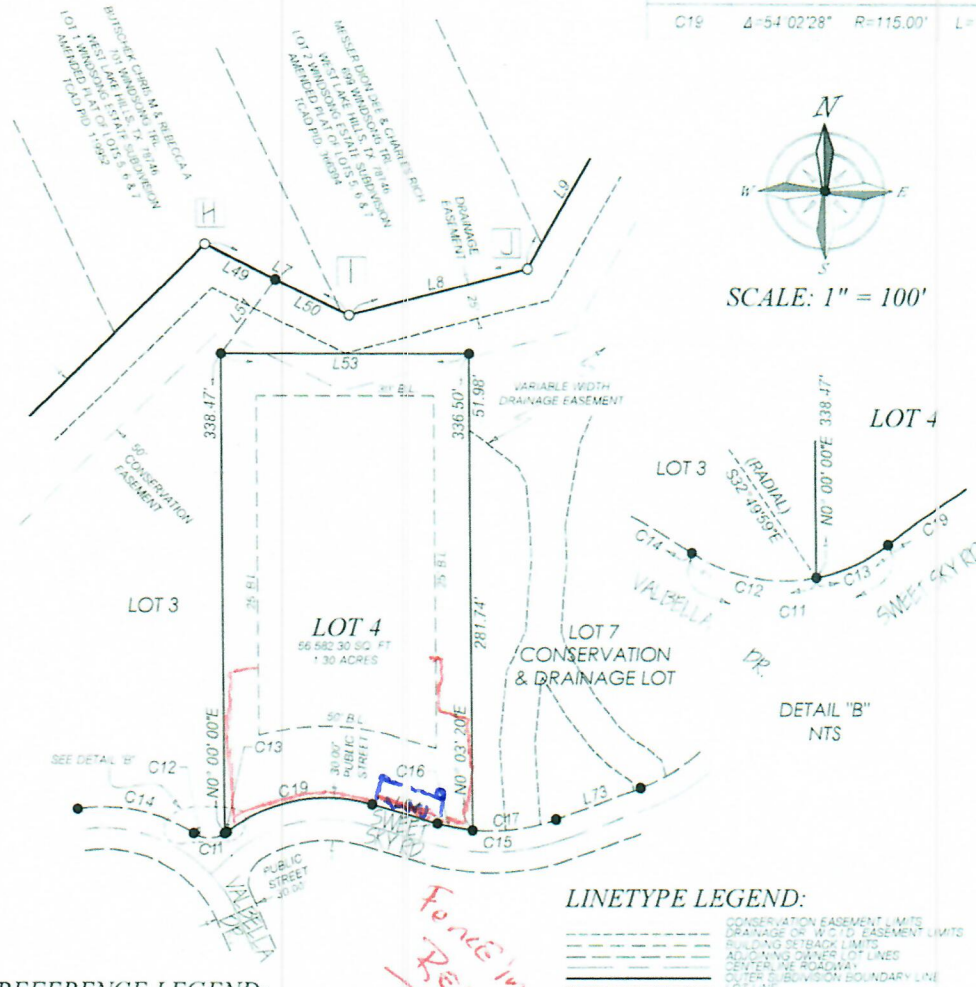
SCHEDULE "A" LEGAL DESCRIPTION

LOT 4 JUNIPER RIDGE SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER DOCUMENT NO.
201400305 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

MONUMENT LEGEND / NOTES:

- = FOUND MONUMENT AS DESCRIBED
- = PERMANENT MONUMENT STAMPED 'SPOT ON SURVEYING' SET
- H = PD IRON ROD DOWN 16" IN CREEK BED IRON ROD LEANS NORTHEAST LOCATED AT BASE OF ROD
ACCEPTED AS AN ANGLE POINT IN THE SOUTH LINE OF LOT 5 (R5) ALSO BEING AN ANGLE POINT IN THE
NORTHERLY LINE OF THE SUBJECT PROPERTY (R1)
- I = PD DRILL HOLE IN ROCK CREEK BED SET MAG NAIL ACCEPTED AS AN ANGLE POINT IN THE SOUTH LINE
OF LOT 5 (R5) ALSO BEING AN ANGLE POINT IN THE NORTHERLY LINE OF THE SUBJECT PROPERTY (R1)
- J = PD SPIKE IN IN ROCK CREEK BED ACCEPTED AS AN ANGLE POINT IN THE SOUTH LINE OF LOT 6 (R6)
ALSO BEING AN ANGLE POINT IN THE NORTHERLY LINE OF THE SUBJECT PROPERTY (R1)

CURVE TABLE			
CURVE#	DELTA	RADIUS	LENGTH
C11	Δ=70°45'13"	R=20.00'	L=24.70'
C12	Δ=65°53'46"	R=20.00'	L=23.00'
C13	Δ=4°51'27"	R=20.00'	L=1.70'
C14	Δ=42°31'31"	R=115.00'	L=85.35'
C15	Δ=36°17'56"	R=135.00'	L=85.53'
C16	Δ=10°43'20"	R=135.00'	L=25.26'
C17	Δ=25°34'36"	R=135.00'	L=60.26'
C19	Δ=54°02'28"	R=115.00'	L=108.47'



LINETYPE LEGEND:

- CONSERVATION EASEMENT LIMITS
- DRAINAGE OR W.C.D. EASEMENT LIMITS
- RAILROAD STRIKE LIMITS
- ADJOINING OWNER LOT LINES
- CENTERLINE ROADWAY
- LOT SUBDIVISION BOUNDARY LINE
- LOT LINE

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY SHOWN HEREON IS THE TEXAS
COORDINATE SYSTEM NAD83 CENTRAL ZONE, UTILIZING STATIC
OBSERVATIONS AND CORRECTIONS PERFORMED BY THE NGS-ORUS WEBSITE

REFERENCE LEGEND:

- (D R T C TX) = DEED RECORDS, TRAVIS COUNTY, TEXAS
- (O P R T C TX) = OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- (P R T C TX) = PLAT RECORDS, TRAVIS COUNTY, TEXAS
- R1 = DEED RECORDED IN VOLUME 1429 PAGE 239 (D R T C TX)
- R5 = WINDBONG ESTATES SUBDIVISION, VOLUME 84 PAGE 640 (P R T C TX)

COMMITMENT FOR TITLE INSURANCE:

OF NO. BY ALLIANT NATIONAL TITLE INSURANCE COMPANY, INC.

EFFECTIVE DATE: 2015 ISSUED DATE: 2015

PROJECT SITE ADDRESS AND PID:

VACANT LAND WEST LAKE HILLS, TEXAS - (TGAID PID 117453)

GROSS AREA:

56,582.30 SQ. FT. (1.30 ACRES)

SURVEYOR'S CERTIFICATION:

I, SCOTT A. HAHN, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
GROUND BY ME OR UNDER MY DIRECTION AND CORRECTLY SHOWS THE BOUNDARY LINE AND DIMENSIONS OF THE
LAND INDICATED THEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM THE PUBLIC RIGHT OF WAY SAID
PROPERTY BEING SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE OF RECORD
AND OF SCHEDULE B OF THE SUBJECT PROPERTY COMMITMENT FOR TITLE INSURANCE IS SHOWN ON THIS SURVEY

SCOTT A. HAHN RPLS 6375 DATE 20150104
TX FIRM NO. 10193894

PREPARED BY:

SPOT ON SURVEYING
1345 ELLIOTT RANCH RD
BUDA, TEXAS 78610



© (512) 523-8092 / FAX (512) 853-2020 / EMAIL INFO@SPOTONSURVEYING.COM

LINE TABLE

LINE #	BEARING	LENGTH
L7	S63°54'36"E	112.49'
L8	N75°31'16"E	131.15'
L9	N30°06'16"E	121.64'
L49	S63°54'36"E	55.06'
L50	S63°54'36"E	57.44'
L51	N36°38'17"E	65.04'
L53	N90°00'00"W	175.32'
L54	N73°38'58"W	46.11'
L73	S70°03'06"W	63.92'

7. SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS RECORDED IN VOL. 169 PG. 238 DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND DOC NOS. 2014-08390; PLAT. 2015-04642; 2018-0745; 2014-18874 AND OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

8. SUBJECT TO EASEMENT RIGHTS DETERMINABLE HEREIN BY VOL. 154 PG. 502 DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASEMENT ASSIGNED TO CITY OF AUSTIN AND SUBSEQUENTLY CONVEYED BY INSTRUMENT NO. 2015-05804 RECORDED IN VOL. 166 PG. 575 AND VOL. 676 PG. 239 AND REAFFIRMED IN VOL. 661 PG. 565 DEED RECORDS OF TRAVIS COUNTY, TEXAS (UNLESS DETERMINABLE AS RELATIONSHIP TO THIS LOT).

9. SUBJECT TO EASEMENTS & RIGHTS RECORDED IN VOL. 2014-04622, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

Topographic map showing contour lines, a road, and a building. The map is labeled "SHEET 374 PG 430". A scale bar is present at the bottom, and a north arrow is located in the bottom right corner.



SHEET NO. 1	JOB NO. 1607.3171	CLIENT PORTFOLIO REAL ESTATE	DRAWN BY BURKHART	REVISIONS	1 SWEET SKY ROAD WEST LAKE HILLS TRAVIS COUNTY, TEXAS	
1			CHECKED BY MATTHEW	DATE OF THIS DRAWING 8/23/16		

QUESTION: Do you feel that the American people are not getting the most out of their money when they buy a new car?

ANSWER: Yes, I do. I think that the American people are not getting the most out of their money when they buy a new car. I think that the American people are not getting the most out of their money when they buy a new car.

DLG +
DICK CLARK + ASSOCIATES



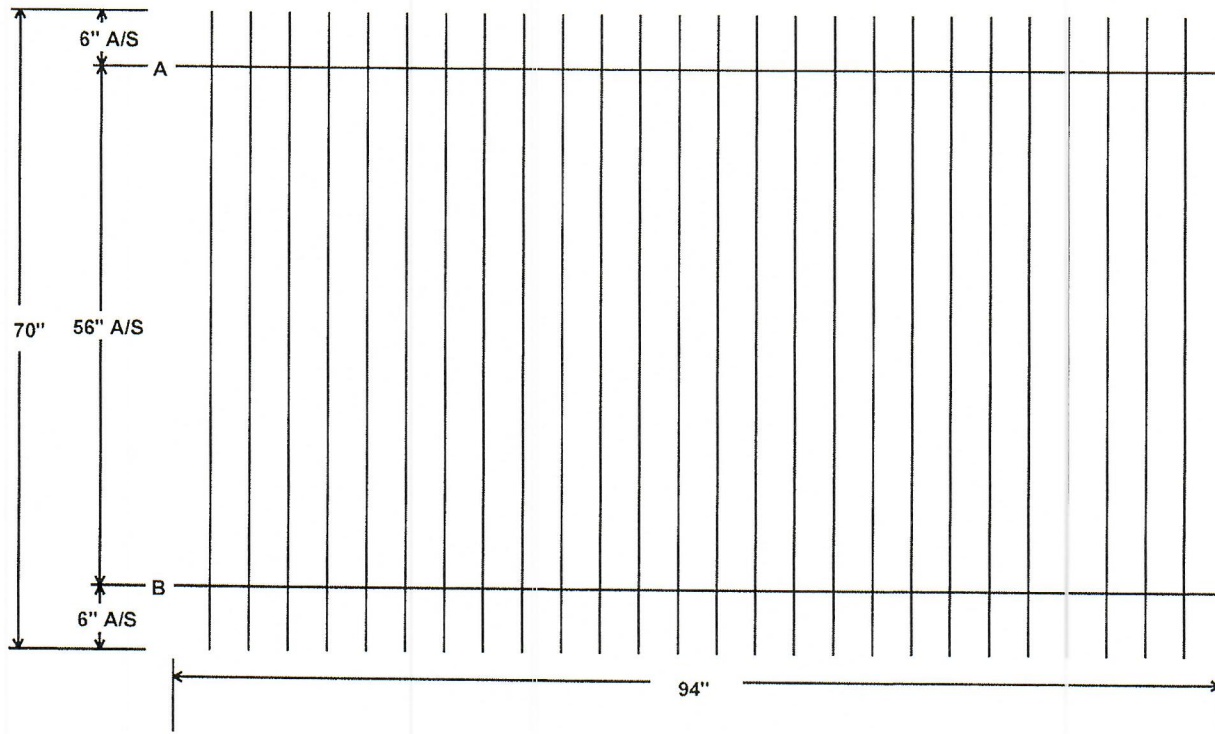
Work Order Drawing

W/O#

Drawings are intended to show type only and are not to scale. Orders are not scheduled for production until price quotation, panel and gate drawings are signed and returned to Sundance Metal Fabricators as confirmation.

Job/Customer:	Kevin Stutz	Checked By:	
Color:	Shiny Black	Approved By:	

STYLE D



Accepted By: _____

Date: _____

Rail	Rail Material	Mount
A	1" x 1" x 16 ga. Galvanized	Surface
B	1" x 1" x 16 ga. Galvanized	Surface

Specs

Picket Spacing 3.5" On Center	<i>1 3/8" between pickets</i>	Picket Material 5/8" x 5/8" x 18 ga. Galvanized
-------------------------------	-------------------------------	---

Description

1 Each 70" x 94" Style D Shiny Black panel(s)



Northwest Fence & Iron

A Division of Sundance Metal Fabricators, LLC

12306 Technology Blvd.
Austin, TX 78727
P: 512.219.5901
F: 512-219-0414
www.nwiron.com

JOB #: *mm 7599*

DATE: *6/16/20*

CUSTOMER: *Kevin Stutz*

PHONE: _____

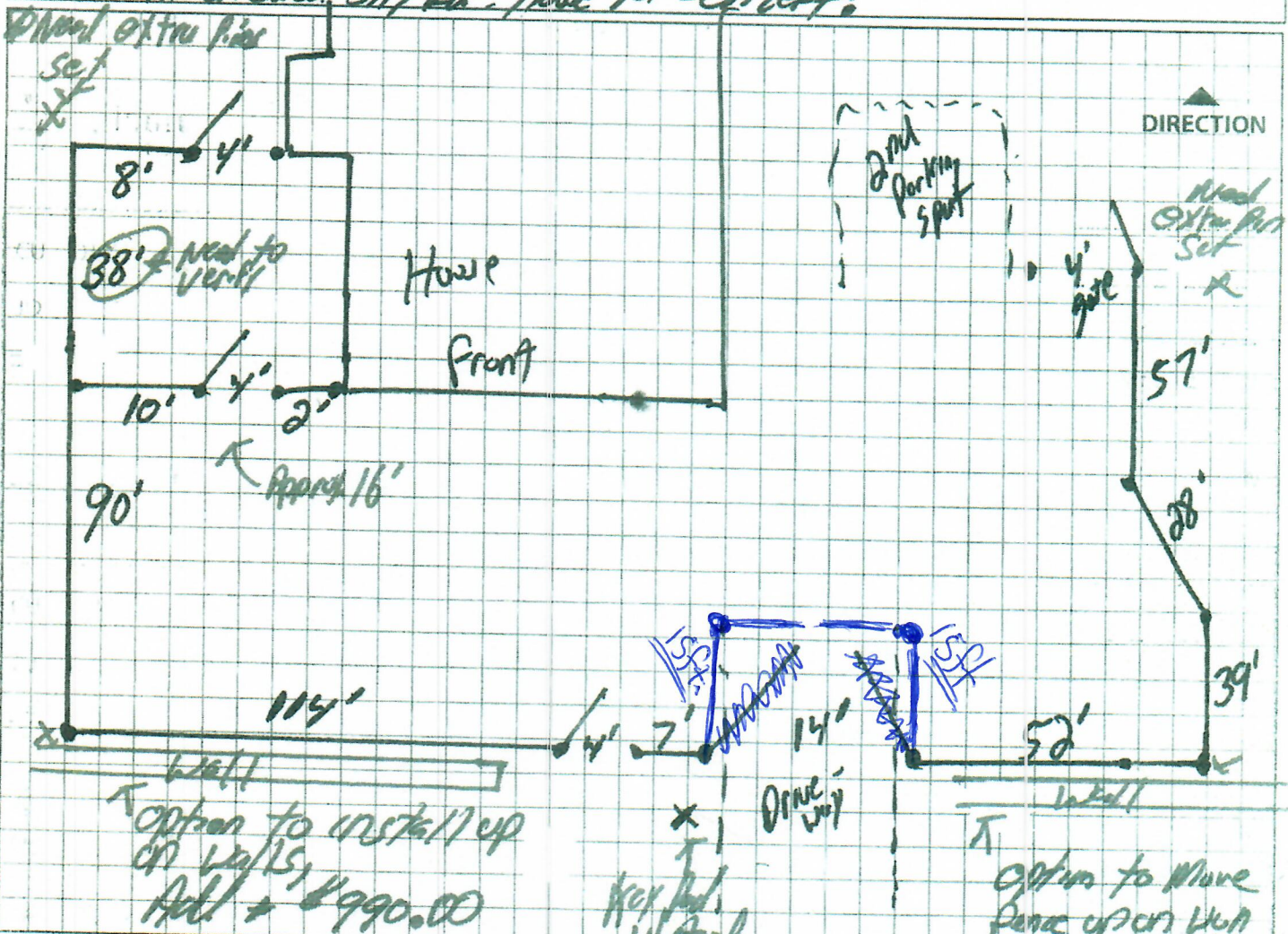
JOB ADDRESS: _____

CITY: _____

ST: _____

Zip: _____

Turn Rt on Sweet Sky Rd - Have 1st - on left!



SPECIAL INSTRUCTIONS

1. Need Property Pins Set. All Measurements Approximate. Site Visit Req'd for final layout
2. Customer responsible for: Running Electric to operators & For providing empty conduits under driveway operator to operator. Key pad to operator. For clearing fence lines.

SUBMITTED BY: *[Signature]*

ACCEPTED BY: *X*

DATE: _____

Anjali Naini

From: Becky Butschek [REDACTED] >
Sent: Tuesday, October 27, 2020 9:17 AM
To: Anjali Naini
Subject: Variance

Follow Up Flag: Follow up
Flag Status: Flagged

In reference to the variances requested by Kevin Stutz at #1 Sweet Sky, we request that the variances be denied. Our concern is that access to the canyon for firefighters and their equipment would be blocked. This past summer owners of an adjacent property were shooting off fireworks over the canyon and police were called to the property.

Thank you. Becky Butschek 701 Windsong Trail

Sent from my iPad



NON-CONFORMING STRUCTURE VARIANCES STAFF REPORT

NOVEMBER 18, 2020

Project Address: 310 Westhaven Drive

Project Number: 16173

Agenda Item: Land Use: 310 Westhaven Drive: Discussion/recommendation on a request for two variances to remodel an existing nonconforming cabana: 1) building setback encroachment; and 2) exceed maximum allowed impervious cover. (West Lake Hills Code Sec. 22.03.281). Applicants/Owners Andrew Schwartz and Sylvia Arabian.

Applicant Information: Homeowners Andrew Schwartz and Sylvia Arabian

Hearing Dates:

November 18, 2020 ZAPCO

December 9, 2020 Board of Adjustment

Location: The subject property is located north of Bee Cave Road, east of McConnell Drive, and west of Westlake Drive.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 0.6910 acre.

Background & Analysis:

The homeowners Mr. Schwartz and Ms. Arabian would like to remodel their existing backyard cabana that is a nonconforming structure. The cabana encroaches the 30ft rear setback and is approximately 14ft from the rear property line. The property is already over the maximum permitted impervious cover at approximately 40.1% (Code allows maximum 25% for properties 0.5 acre and larger). The remodeled cabana will maintain the existing footprint, and the homeowners have removed a lot of flatwork around the property to reduce the impervious cover. Because this is a nonconforming structure being significantly remodeled, the Code requires to either seek variance approval or rebuild the structure to meet current regulations.

The same variances were applied for an approved by the City in 2018, but the variances expired since a building permit application was not filed in time.

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 – “Roofline of building is 6’2” above flatwork. Andrew is 6’6” and hits his head upon entering the building.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “Remodel is within existing footprint. No trees will be disturbed.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “Have removed a notable amount of impervious cover but still well over the limit. Shrinking the driveway presents a hardship to EISD, neighborhood and businesses.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “Remodel is the easiest solution (raise the roof).”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – “Since footprint is the same as original structure, there is no impact.”
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – “New roof height will not obstruct a view, change drainage, or impact adjoining properties.”

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

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.

Staff Recommendation

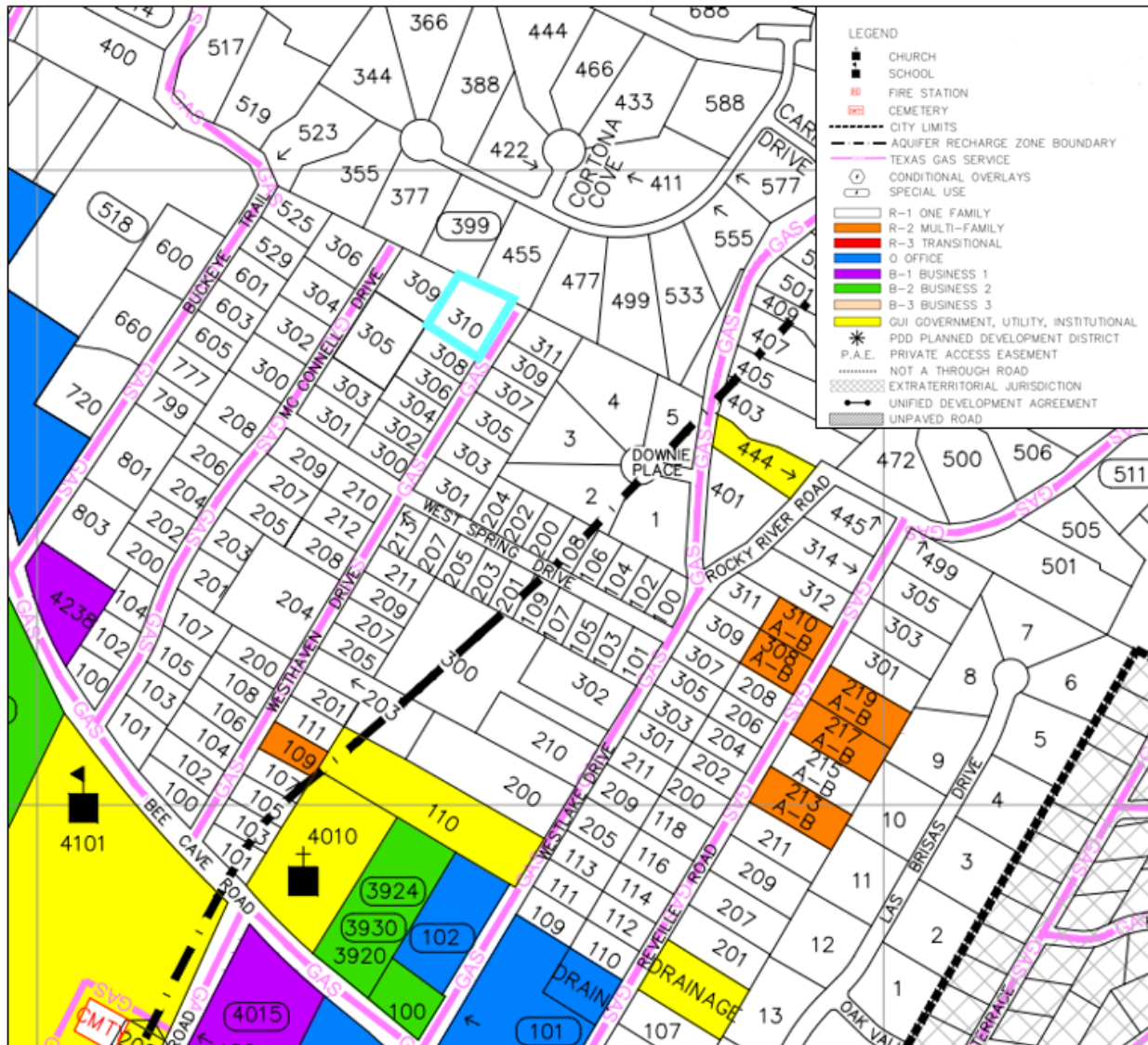
The staff recommendation is approval as the proposed remodel will not increase impervious cover or expand the existing footprint. Furthermore, the City previously approved the same variance requests in 2018.

Links to Relevant Code:

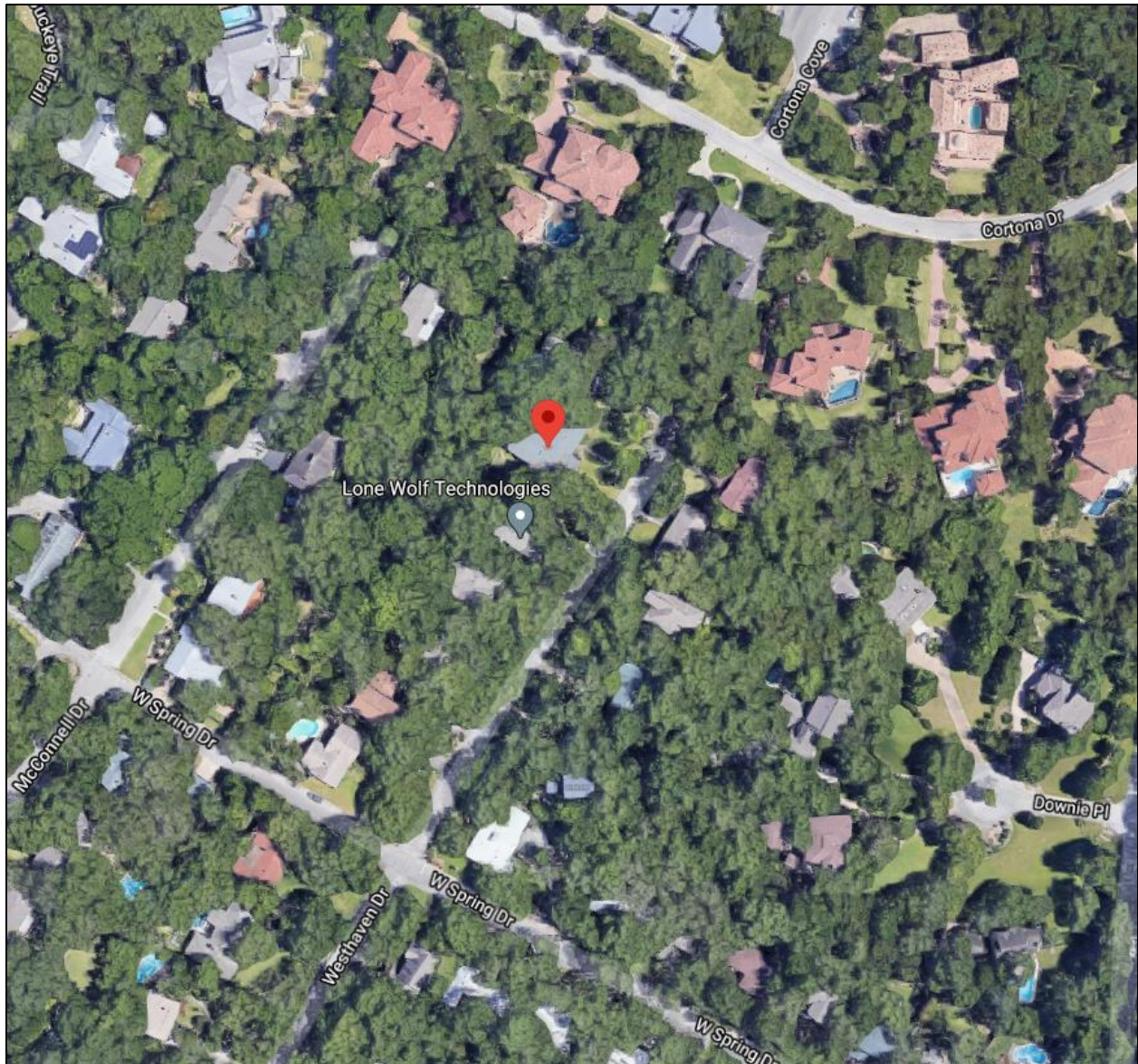
- [Article 22.03, Division 8. Dimensional Regulations](#)
- [Article 38.04, Division 3. Nonconforming Uses and Structures](#)

(Maps to follow)

Zoning:



Aerial:



APPLICATION COVER SHEET

Property Address: 31D Westhaven Dr 78746
Applicant Name: Andrew Schwartz + Sylvia Arabian
Designated Agent (if any, Power of Attorney Required): _____
Applicant Phone Number: 512 924 1202 Email Address: [REDACTED]
Date Application was Submitted: _____
Variance(s) Requested: _____

Impervious Cover

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
9/30/2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Dr.
West Lake Hills, TX 78746

Dear Mr. Chairman,

The home of Andrew Schwartz and Sylvia Arabian at 310 Westhaven Dr. 78746 has an outbuilding (cabana) that has a roofline that is 6'2" above the flatwork. Andrew is 6'6" and is tired of bonking his head every time he enters the building. We would like to raise the roofline to meet code. See pages 7-11 for drawings of new plan. Photos of existing structure on page 12.

Unfortunately, we are over the impervious cover limits. See page 5 property survey We are asking for a variance to allow us to alter an existing building (cabana) indicated on our property on page 4. We have removed a significant amount of impervious cover (see selection of 2003 survey on page 6 with removals marked in blue). Additionally, we are slowly altering much of the remaining concrete sidewalks to wood deck. We have considered shrinking the driveway, but that adds a host of problems due to our street being dead end and everyone needing our drive to turn around (school bus, recycling truck, trash truck, Fedex, Amazon, UPS, postal service, other larger delivery vehicles, and every yard company in our neighborhood). Reducing the driveway would put an undue burden on EISD, waste disposal, neighbors, and businesses.

Page 13 to 17 is the variance approval in April of 2018. We did not start the project within the time allowed. As a result, we are applying for a new permit to start the construction.

Sincerely,
Andrew Schwartz and Sylvia Arabian

Attachments:

Page:

- 4 Site plan with cabana marked in gray (building to be brought to code)
- 5 Recent Survey of property
- 6 Original survey when property was purchased with removed impervious cover marked in blue
- 7 East elevation of proposed renovated structure
- 8 North elevation of proposed renovated structure
- 9 West elevation of proposed renovated structure
- 10 South elevation of proposed renovated structure
- 11 Proposed floor plan of proposed renovated structure
- 12 Existing structure from east, west, north and south sides
- 13 Approval letter of variance from 2018
- 14-17 Minutes of 2018 meeting approving variance

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.

Roof line of building is 6'2" above flat work. Andrew is 6'6" and hits his head upon entering building.

- (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?

Remodel is within existing footprint. No trees will be disturbed.

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

Have removed a notable amount of impervious cover but still well over the limit. Shrinking driveway presents a hardship to EISD, neighborhood & businesses.

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

Remodel is easiest solution (raise the roof).

- (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?

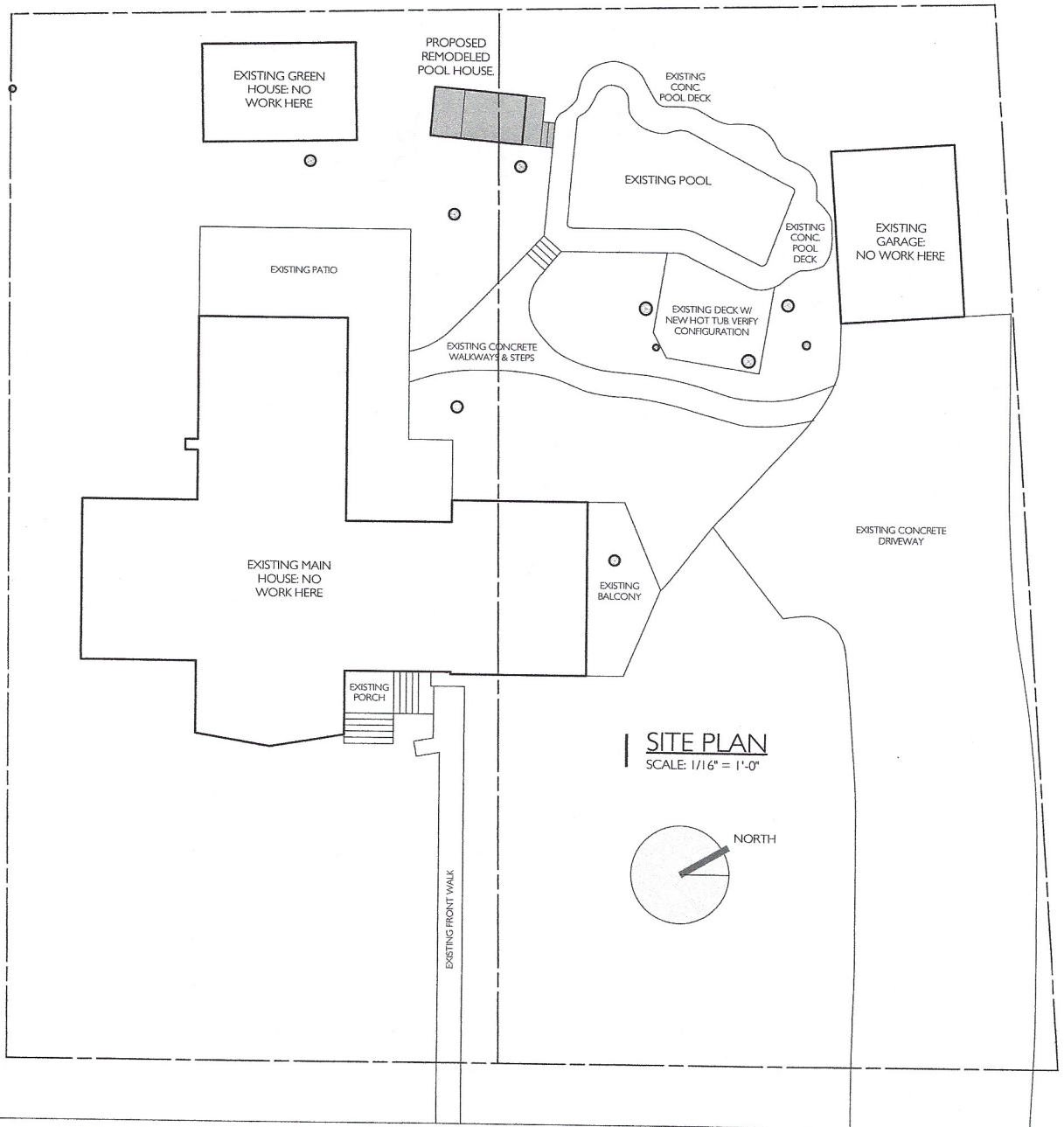
Since footprint is the same as original structure, there is no impact.

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

New roof height will not obstruct a view, change drainage, or impact adjoining properties.

Property Address:

310 Westhaven Dr 78746



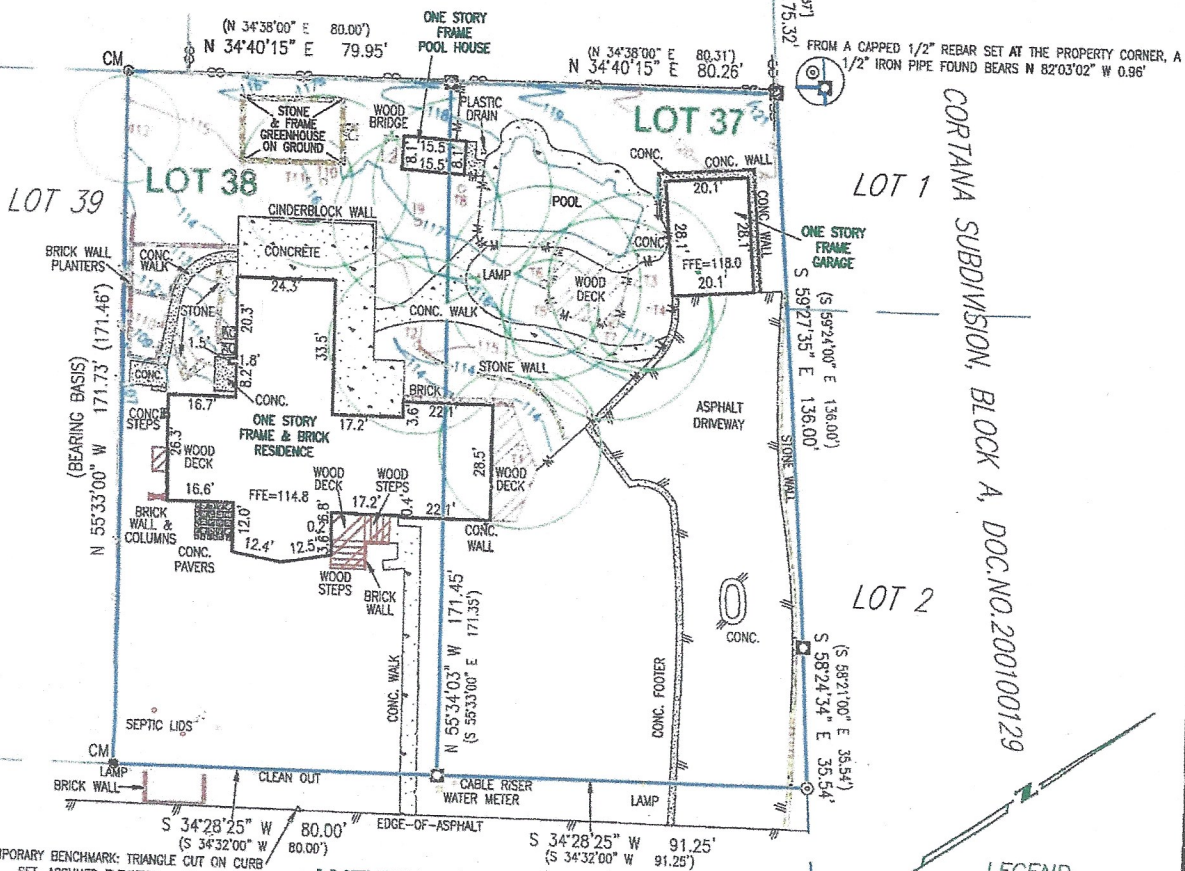
WESTHAVEN
DRIVE

[WESTLAKE TERRACE, BOOK 7, PAGE 175]

LOT 14

LOT 13

BREAK-IN-SCALE



CORTANA SUBDIVISION, BLOCK A, DOC. NO. 200100129

WESTHAVEN DRIVE

IMPERVIOUS COVERAGE (50' R.O.W.)

a. House	3166	sq. ft.
b. Garage	568	sq. ft.
c. Pool House	128	sq. ft.
d. Asphalt Driveway	3680	sq. ft.
e. Concrete footer	247	sq. ft.
f. Concrete Walls	873	sq. ft.
g. Concrete Patio & Open Concrete	1097	sq. ft.
h. Concrete Pavers	48	sq. ft.
i. Concrete Walls & Cinderblock Walls	50	sq. ft.
j. Brick & Brick Walls	122	sq. ft.
k. Stone & Stone Walls	224	sq. ft.
l. Wood Decks & Steps & Bridge	700/2=	sq. ft.
m. Concrete Pool Area	350	sq. ft.
n. Stone & Frame Greenhouse	518	sq. ft.
o. AC's	428	sq. ft.
p. Plastic Drain	18	sq. ft.
	1	sq. ft.
LOT AREA	28457	sq. ft.
TOTAL IMPERVIOUS COVERAGE (e, through p added)	11418	sq. ft.
	40.1	% of lot

TAG NO.	TREE DESCRIPTION
1	20" OAK TREE
2	22" PALM TREE
3	22" M.S. OAK
4	15" OAK TREE
5	12" OAK TREE
6	24" M.S. OAK
7	25" M.S. OAK
8	22" OAK TREE
9	21" OAK TREE
10	21" M.S. OAK
11	11" OAK TREE
12	13" OAK TREE

This tree location survey certifies the size and location of the trees depicted hereon. B&G Surveying, LLC, nor the undersigned, certify the Species/Genus of these trees. For exact Species/Genus contact a Certified Arborist.

LEGEND

- 1/2" REBAR FOUND
- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- 60D NAIL FOUND
- 60D NAIL SET
- CAPPED REBAR FOUND
- "X" SET IN CONCRETE
- "X" FOUND IN CONCRETE
- SPINDLE FOUND
- PUNCH HOLE FOUND
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- [] PER PLAT IN 7/175
- () PER PLAT IN 7/74
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- OH OVERHEAD UTILITY LINE
- PG POWER POLE
- AC AIR CONDITIONER

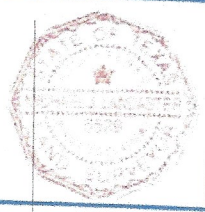
30' 0 30'

IMPORTANT NOTICE

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, LLC. Building Dimensions are rounded and are not to be used for design.

Notes:

1) Subject to a Aggregate side building setback of 15'; 5' minimum per side, per V.1595, P.291, Deed Records.



TO THE DEEDHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

STREET ADDRESS: 310 WESTHAVEN DRIVE

LOT: 37 & 38

SUBDIVISION: WESTLAKE PARK

REFERENCE NAME: SYLVIA ARABIAN

AUSTIN/WESTLAKE HILLS

COUNTY: TRAVIS

STATE OF TEXAS

VOL/CMB 7 PG/SLD 74

PLAT RECORDS



B & G SURVEYING, LLC

FIRM REGISTRATION NO. 100363-00

WWW.BANDGSURVEYING.COM

1404 West North Loop Blvd.

Austin, Texas 78706

Office 512-458-6969

FIELD WORK BY:	CM	10/31/17
CALCD BY:	JR	11/01/17
CHECKED BY:	AMS	11/01/17
	ML	XX

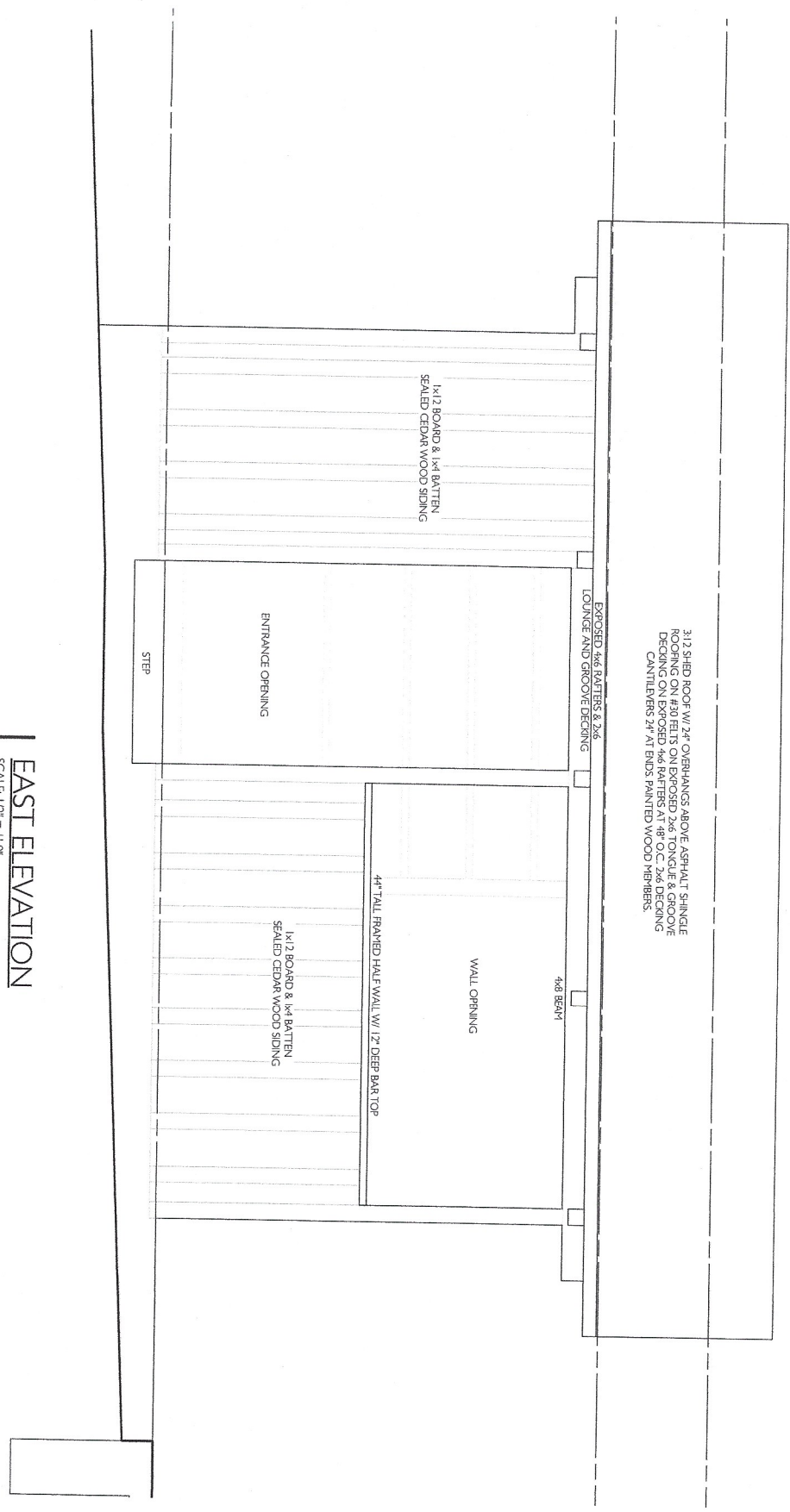
JOB #: B1012017_TA
DATE: 11/06/17
SCALE: 1"= 30'

N34°24'02"E 159.85'

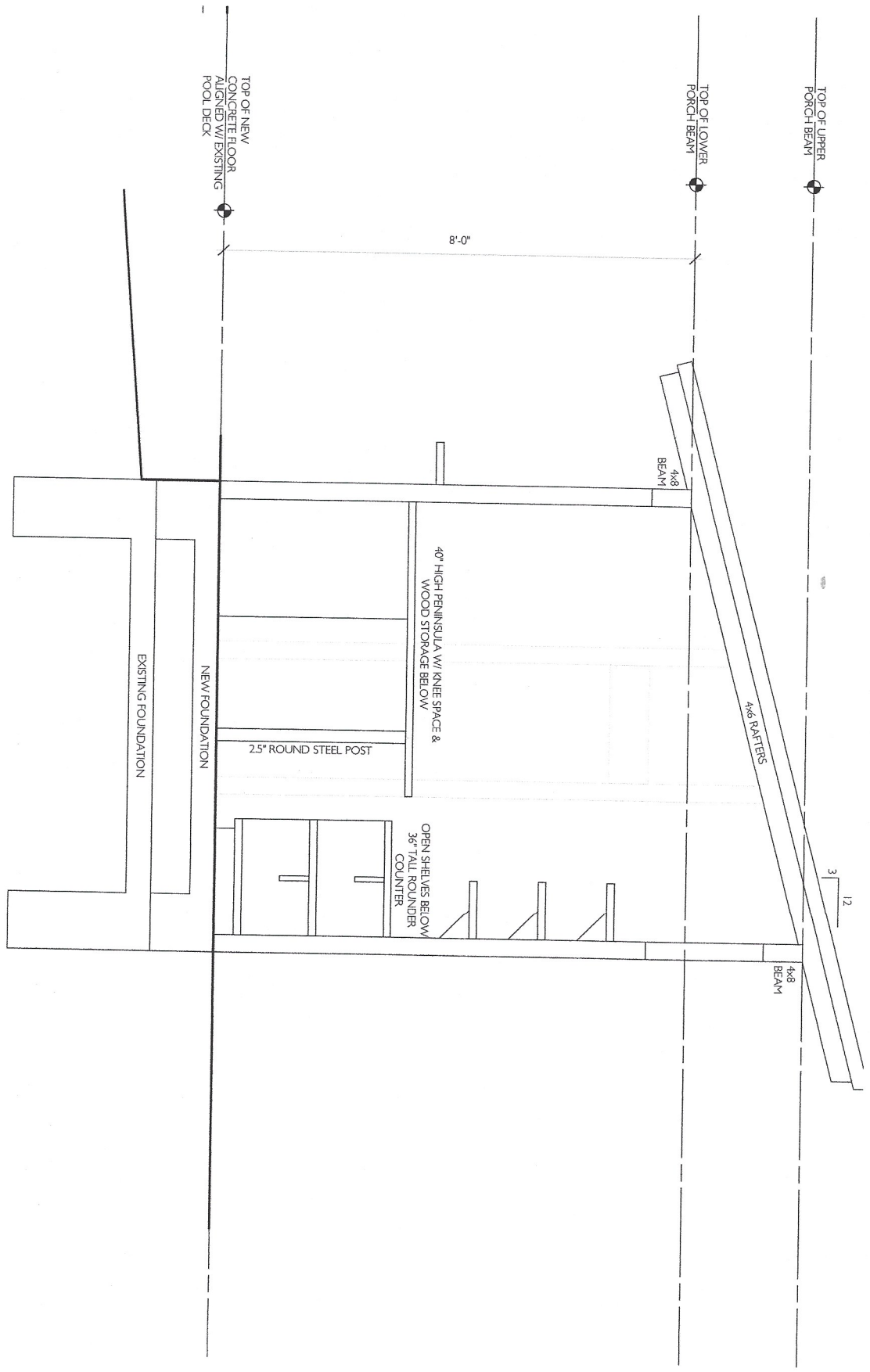


ELEVATION=

Page 77 of 127



EAST ELEVATION
 SCALE 1/2" = 1'-0"



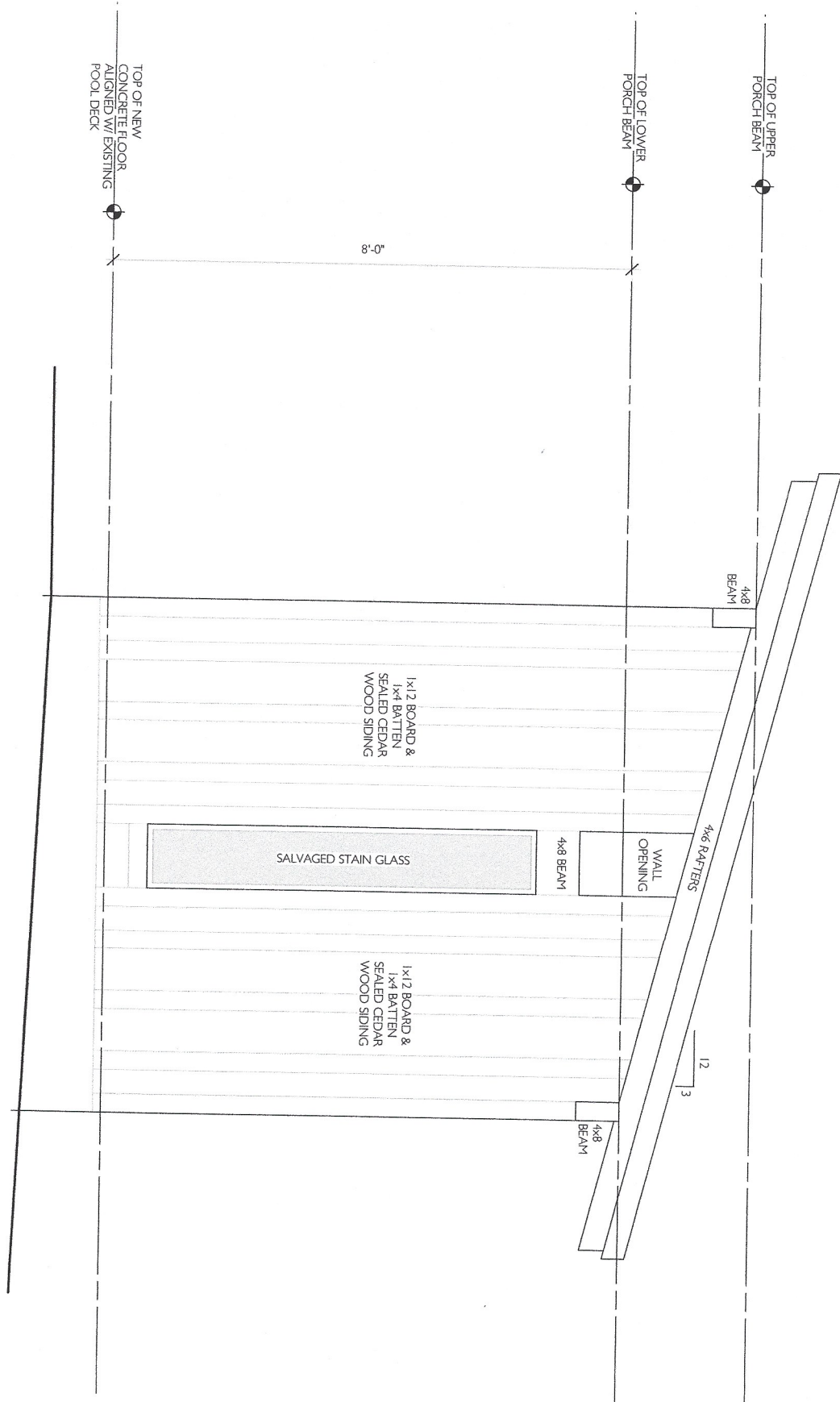
2 NORTH ELEVATION

SCALE: 1/2" = 1'-0"

3 WEST ELEVATION

SCALE 1/2" = 1'-0"





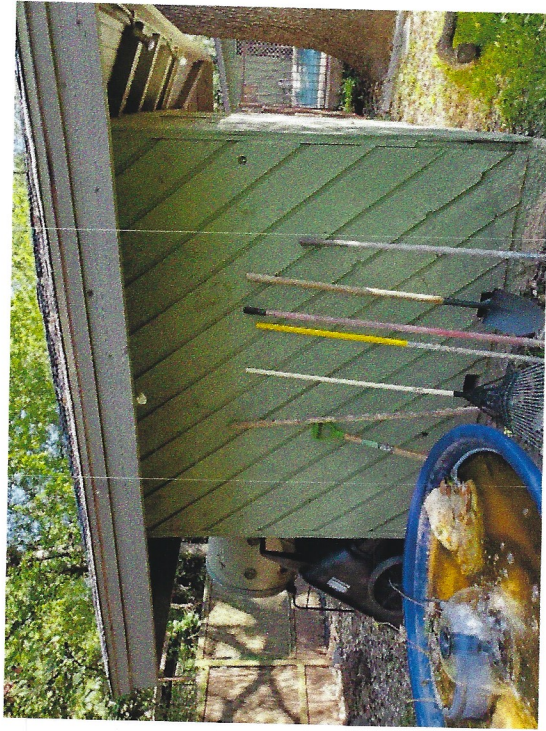
4 SOUTH ELEVATION

SCALE: 1/2" = 1'-0"

Pictures of existing cabana structure at 310 Westhaven Dr. 78746



East side



South Side



West Side



North Side

City of West Lake Hills

Linda Anthony, Mayor

City Councilmembers:
Jim O'Connor, Mayor Pro Tem
Rhonda McCollough
Brian Plunkett
Beth South
Darin Walker

911 Westlake Drive
West Lake Hills, Texas 78746-4509



Robert J. Wood, City Administrator

City Hall: (512) 327-3628

Fax: (512) 327-1863

www.westlakehills.org

cityhall@westlakehills.org

Police Department: (512) 327-1195

Fax: (512) 329-5517

April 12, 2018

Sylvia Arabian & Andrew Schwartz
310 Westhaven Drive
West Lake Hills, Texas 78746

Re: Variance request to renovate an existing non-conforming cabana and to exceed the allowable impervious cover. (Section 22.03.281 of the West Lake Hills Code.)

Dear Sylvia and Andrew:

The City of West Lake Hills Board of Adjustment unanimously approved (6-0) the above referenced variance on Wednesday, March 28, 2018. Enclosed please find a copy of the minutes from the Zoning & Planning Commission as well as the BOA/City Council meeting.

Please let us know if you have any questions.

Sincerely,

Mark Littrell
Zoning & Planning Secretary

Enclosure

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
February 21, 2018
6:30 P.M.

PRESENT: ZAPCO Chairman Robert Meisel, Commissioners Kathy Tullos, Rhett Hoestenbach, Bill Vandersteel, Sarah Swanson and Laurie Maccini

ABSENT: Vice-Chairman Les Gage

1. Call to Order. Chairman Robert Meisel.

Chairman Meisel calls the meeting to Order at 6:30 p.m.

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 January 17, 2018 Regular Meeting Minutes.
 - b. Request to postpone by applicant. Land Use: Variance request to encroach a side building setback for an addition at 14 Sugar Creek Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicants Scott and Elisabeth Kelly.
 - c. Request to postpone by applicant. Land Use: Proposed Amendment to a Planned Development District Agreement for Trinity Episcopal School at 3901 Bee Cave Road. (Article 38.06 of the West Lake Hills Code.) Applicant David Hartman.

Chairman Meisel asks if anyone is present to speak on any of these items. None present.

**COMMISSIONER VANDERSTEEL MOVES TO APPROVE.
COMMISSIONER TULLOS SECONDS. UNANIMOUS (5-0) APPROVAL.**



3. Land Use: Variance request to renovate an existing non-conforming cabana and to exceed the allowable impervious cover at 310 Westhaven Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Sylvia Arabian.

- a. Staff Briefing.

City Planner Grundman: This item came before you and it was postponed to get clarification on a couple of items. They ended up actually shrinking the cabana to about the same dimensions that it is currently. The old proposal had the cabana at 11.5 feet from the property line. This proposal has the cabana at about 13.5 feet from the property line. The impervious cover is still requested at 40.1%.

- b. Presentation by applicant.

Andrew Schwartz is the owner. We came in before and heard that increasing impervious cover over an already existing impervious cover was not going to be the best option. We took your advice and re-did the

plans and had the cabana sit in the existing footprint. There is some of that in concrete that we are going to putting deck in with a hot tub. There is a big slab of concrete on the side that we are going to remove. We didn't remove it when we moved in. The math is not right there is a net gain of pervious cover. We are losing 38 sq. ft. of impervious cover. You had asked how this building got so out of conformity. This house was on two lots and they had 3 lots when they built it. It was sold off. That is how it got to this spot. We originally took 4,500 down to 3,100 as far as impervious cover goes, 994 sq. ft. that we can document on the survey. There was a whole other deck that wasn't on the survey that we removed or documented. So we're not taking credit for those now. That's it. The hardship is re-doing the cabana roof line is 6'3". I'm 6'6".

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

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Vandersteel: In the reports, it mentions of the setback encroachment is proposed to be 11'5". That's no change from the previously application. And then I looked at the drawings it says 13'6". I wanted to point that out.

City Planner Grundman: My report was wrong.

Commissioner Swanson: You also made a change in the sidewalk? Are you going to put gravel there?

Sylvia: The whole front portion there is going to be redone.

Commissioner Vandersteel: From the front of the house, there on the left was a sidewalk around the side of the house?

Sylvia: It's going to be gravel.

Andrew: May I see what you're looking at? There originally was sidewalk that went all the way around.

Chairman Meisel: To be clear for the record, the plan now as presented has a no net increase in impervious cover. As far as the encroachment by the cabana, that has not increased?

Andrew: Not increased.

Chairman Meisel: You want to remodel a non-conforming structure with no change in encroachment and impervious cover.

Commissioner Tullos: On the staff report, requested impervious cover is 40.4% up from 40.1%.

City Planner Grundman: That is an error on my point. It still triggers a variance. They are not changing; they are decreasing.

Commissioner Swanson: Over the years, they have done so much to reduce impervious cover.

Commissioner Maccini: Do you speak to the neighbors to the rear?

Sylvia: I e-mailed them and they don't care and did not care to comment.

Chairman Meisel: Since it's not changing. They are bringing it up to meet code.

COMMISSIONER SWANSON MOVES TO RECOMMEND APPROVAL WITH THE NOTED CORRECTIONS. COMMISSIONER MACCINI SECONDS. UNANIMOUS (5-0) APPROVAL.

4. Land Use: Variance request for a driveway setback encroachment and the removal of two trees larger than 14 inches in diameter (Tree #34 is a 19-inch Live Oak and Tree #20 is a 16-inch multi-stem Live Oak) for the construction of a new residence at 405 Buena Vista Circle. (Sections 22.03.175 and 22.03.304 of the West Lake Hills Code.) Applicant David Kilpatrick.

- a. Staff Briefing.

City Planner Grundman: At the dais you have a letter of support from the neighbor. This did come before you as well. The request for the removal of T-34 which is a 19" Live Oak. There was a second tree the last time that is no longer on the list for removal. They can work around that. The front driveway setback encroachment they are requesting a turnaround to be 11' from the property line which would be a 9' encroachment.

- b. Presentation by applicant.

David Kilpatrick. Thanks for hearing us again. We've added some new information to the package you previously reviewed. I'd like to point out that on proposed site plan A-100 the existing site plan A-101 we've added the truck location and the actual canopy of T-34. Previously T-34's canopy was indicated in a boiler plat drafting manner directly centered over the trunk. You'll see a pie shaped hatched area now that indicates the actual canopy as the tree leans downhill. A-102 which is a new exhibit and is the result of our exploring other building pad locations on site. The canopy of T-34 occupies more or less the exact middle of the site, there is a hatch area that indicates the buildable area left or available to build on site after we consider protected trees and the existing pool. We are left with 18% of the lot area. Because it leans downhill as seen on A-304, we are unable to fit a 2-story building under that tree. We are left with the bottom right part of the site as seen on A-102. If we consider that as our new building area and subtract from that a 2-car garage, we are left with less than the existing house and less than the proposed house. If T-34 is removed we would gain additional extra 1,600 sq. ft. of buildable area. We've indicated the total tree caliper on site which is 1,225". With the omission of T-20 from the variance, we are requesting 19" of protected tree on site. Our other item is the driveway variance and we do have it indicated on A-100 an alternative approach and we

- ★ 4. Land Use: Variance request to renovate an existing nonconforming cabana and to exceed the allowable impervious cover at 310 Westhaven Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Sylvia Arabian.
- Staff Briefing. City Planner Ashby Grundman explained that the applicant is asking for a rear setback encroachment to renovate an existing structure. The applicant is reducing the impervious cover by 71 feet but since they are already over, a variance is required. ZAPCO recommended unanimous approval.
 - Presentation by applicant. Applicant Andrew Schwartz shared that they bought the house in 2003 and was built before the impervious cover rules were enforced. The hardship is the roofline of the cabana is low so Mr. Schwartz bumps his head, a lot. Existing patio will also be removed to make up the 71 feet.
 - Public Hearing: No one spoke.
 - Deliberation and action.

BOA members shared their appreciation for the minimization that has been done in the past. Great efforts have been made to widdle the impervious cover down.

BOA MEMBER PLUNKETT MOTIONED TO APPROVE THE VARIANCE AS REQUESTED FOR 310 WESTHAVEN DRIVE. BOA MEMBER SOUTH SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.

5. Land Use: Variances to remove two trees larger than 14 inches in diameter (T-171 – 14 inch Juniper and T-266 – 18 inch Juniper) and allow off-street parking for the renovation of an existing residence at 1406 Circle Ridge Drive. (Sections 22.03.304 and 22.03.175 of the West Lake Hills Code.) Applicant Kathryn Stevens.
- Staff Briefing. City Planner Ashby Grundman shared that the request is to remove two trees, T-171 and T-266, allow a second driveway cut, and front setback encroachment for the driveway. The trees require 48 inches of replacement. There is an existing house the applicant would like to remodel. They are also proposing a new swimming pool in the back; it is driving the tree variance. ZAPCO recommended approval for tree T-171 and recommended denial for tree T-266 and the driveway variance.
 - Presentation by applicant. Applicant Kathryn Stevens explained that she is requesting a half circle driveway. She would like to extend the existing inadequate driveway in the front setback. This will improve safety, ingress and egress. She has received multiple letter of support from the neighbors. The hardship is the based on the current lot and driveway configuration, with safety as the primary motivation for the variance request. Mrs. Stevens then shared that they are requesting two tree variances. Tree T-171, 14-inch cedar, in the fire safety buffer zone of the house. It prevents access to the backyard for heavy excavation machinery. The septic system will be replaced then a pool will be installed. Tree T-266 is an 18-inch cedar. It is in the pool location and the critical root zone will be compromised with the excavation. With the 32 inches that will be removed, they will be replacing the required 48 inches with five 4-inch Monterrey oaks, four 30-gallon yaupon hollies and three 30 gallon Texas mountain laurels.
 - Public Hearing: No one spoke.
 - Deliberation and action.
(Note: This item requires dual action. BOA action on the driveway parking variance and City Council action on the tree variance.)

BOA Members shared their concerns about affecting critical root zones, by extending the driveway. They also asked about what material will be used for the driveway and who will be parking in the extended driveway. BOA



TREE VARIANCES STAFF REPORT

NOVEMBER 18, 2020

Project Address: 702 Loma Linda

Project Number: 16215

Agenda Item: Land Use: 702 Loma Linda: Discussion/recommendation on a variance request to remove six trees 14" or greater in order to construct a new home: 1) Tree # 595 - 17" Spanish Oak; 2) Tree # 597 - 15.5" Cedar; 3) Tree # 604 - 18" Live Oak; 4) Tree # 607 - 34.5" Multi-Trunk Cedar; 5) Tree # 626 - 14" Cedar; and 6) Tree # 649 - 14" Cedar. (West Lake Hills Code Sec. 22.03.304). Applicant Adam Mosier - Mosier Luxury Homes/Owners Santiago & Jenna Montoya.

Applicant Information: Applicant Adam Mosier | Mosier Luxury Homes, LLC | Owners Santiago & Jenna

Hearing Dates:

November 18, 2020 ZAPCO

December 9, 2020 City Council

Location: The subject property is located on a cul-de-sac and is north of Spurlock Valley, south of Basin Ledge and between Terrace Mountain Drive to the west and east.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 0.56 acre. There was a prior home on the property that was demolished.

Background & Analysis:

The applicant is requesting variances for the removal of six trees that are 14" or greater in order to construct a new home. A building permit application and swimming pool permit application were filed but are on hold due to the tree variances. The prior home was located in the building setbacks, and the new proposed home will be in compliance with the setback regulations but accordingly would require tree variances to be approved.

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 house cannot be constructed because of the smaller, pie shaped lot located in a cul-de-sac, significantly restricting development when side setbacks are applied. The proposed layout is the minimum request to bring the property into compliance as the current foundation lies in the left side setback. Alternate configurations would result in requesting variances for larger, healthier trees.”

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

The application states – “Existing terrain and slope will not be altered. The variance request is associated with removal of existing trees that currently prohibit functional use of the lot. Existing vegetation will be protected or replaced or ensure erosion will not occur. Trees will be replaced in accordance with mitigation requirements.”

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

The application states – “There are two state sized oaks (#563 and 564) with half critical root zones of 11’ and 17’, respectively. Because of the location of these two beautiful oaks and the pie shaped, smaller sized lot, the placement of the structure had to be pushed down the lot to its current location. Additionally, the existing slab (to be demolished) is in the side setback. The septic system cannot be placed in an alternate location...”

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

The application states – “Placing the structure in another portion of the property will severely restrict the size of the structure proposed and create a disjointed, dysfunctional layout.”

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

The application states – “The zoning ordinance is based on conforming lots (1 acre or greater) and assumes a standard shaped lot. This lot is approximately 0.5 acres and odd shaped because it is in a cul-de-sac. The replacement of “cedars” with more beneficial species will be additive to the current situation and will bring the property into compliance in regard to a fire defensible space plan.”

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

The application states – “The trees to be removed are interior to the property lines and are effectively unseen by neighbors. Neighbors will benefit from the removal of these three trees because they will be replaced with 150% more trees that are safer and more beneficial than cedars.”

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

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.

Staff Recommendation

Staff recommends approval of the following trees: Tree # 649 - 14" Cedar; and Tree # 604 – 18" Live Oak due to the location of the proposed septic field, building footprint and steep topography of the lot.

Staff recommends denial of the following trees: Tree # 607 – 34.5" Multi-Trunk Cedar; Tree # 595 – 17" Spanish Oak; Tree # 597 – 15.5" Cedar, and Tree # 626 – 14" Cedar. However, these may all need to be considered differently if they impact the septic system and septic field.

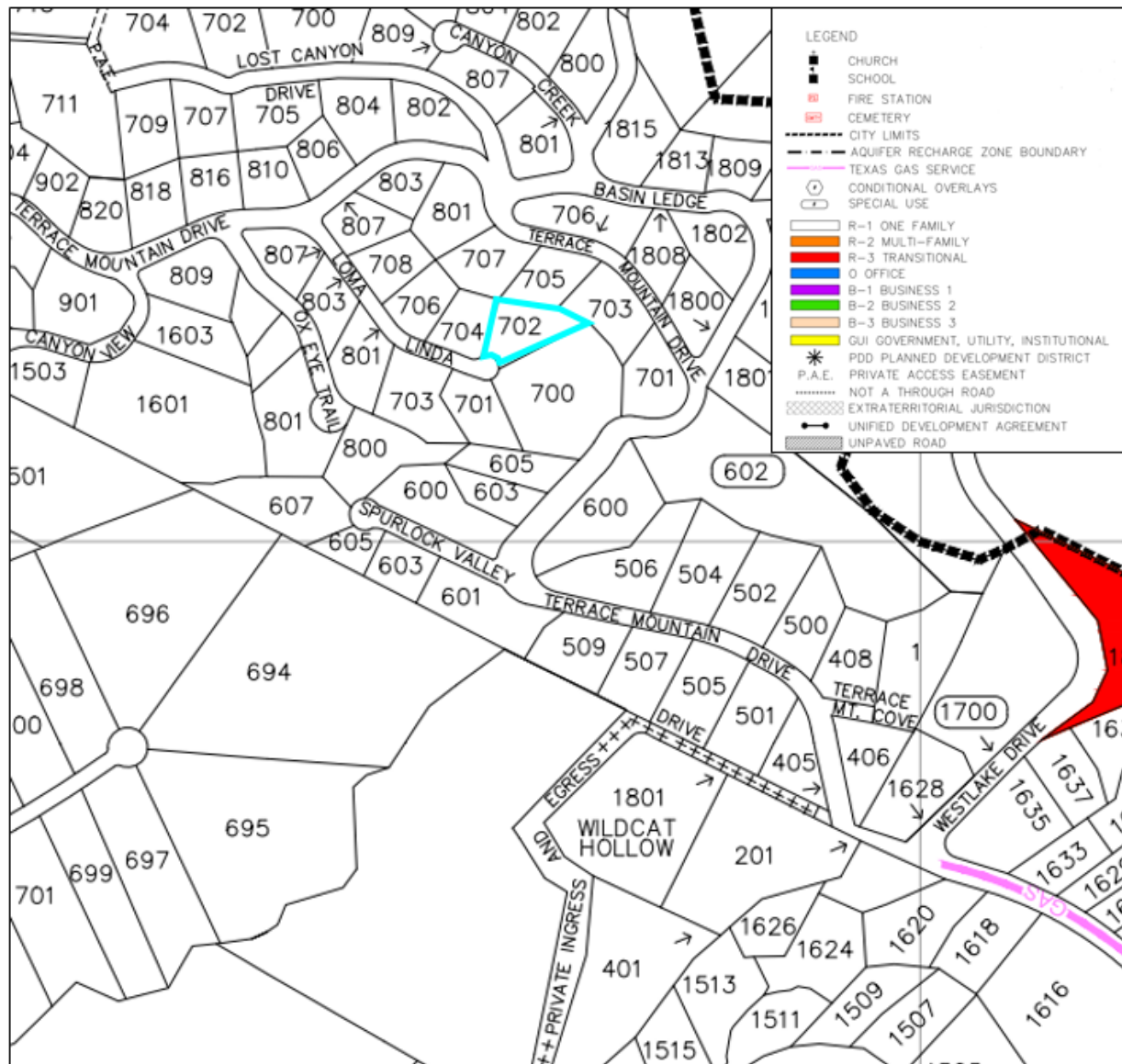
Removal of trees 14" and greater require mitigation at 150%.

Links to Relevant Code:

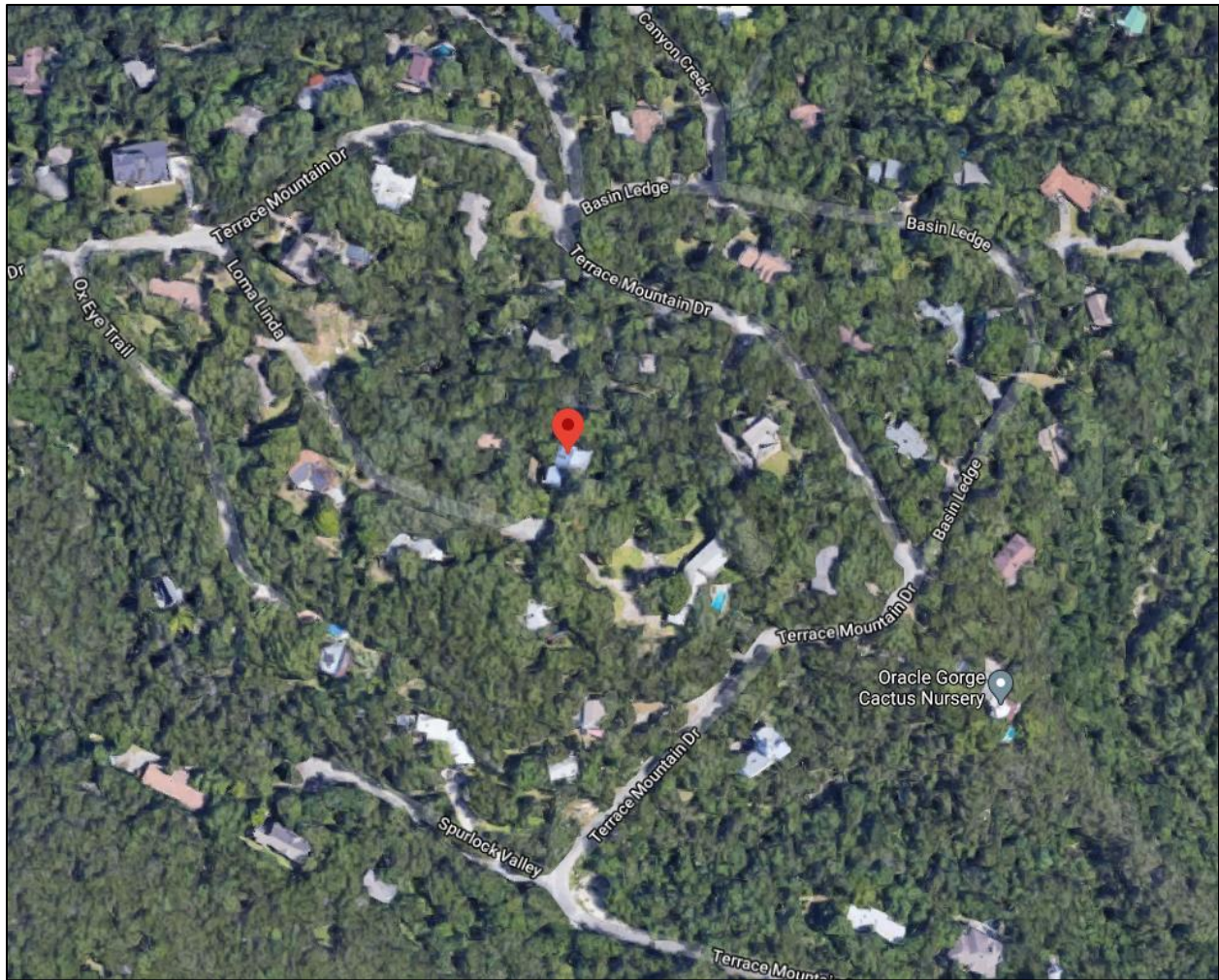
- [Sec. 22.03.304 Tree and vegetation removal and replacement](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

(Maps to follow)

Zoning:



Aerial:



APPLICATION COVER SHEET

Property Address: 702 Loma Linda 78746
Applicant Name: Santiago and Jenna Montoya
Designated Agent (if any, Power of Attorney Required): Adam Mosier / Mosier Luxury Homes
Applicant Phone Number: 512-845-8069 Email Address: [REDACTED]
Date Application was Submitted: 8/22/20
Variance(s) Requested:
Removal of trees: 595, 597, 604, 607, 626, 649

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: _____



September 29, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
91 I Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman:

My client is requesting a variance for the removal of the following trees:

- #595 is a 17" Spanish Oak
- #597 is a 15.5" Cedar
- #604 is an 18" Live Oak
- #607 is a 34.5" multi trunked cedar
- #626 is a 14" Cedar
- #649 is a 14" Cedar
- #714 was removed by the prior owner during home demolition (Please review attached email with Darin Walker and the owner's agent)

I have attached pictures of each of these trees, the site plan, and the survey for your review. Because of the lot size and shape, the house and septic drainage field cannot be located or situated in other areas without requesting larger, healthier trees be removed. Additionally, the septic engineer maintains that soil tests on other parts of the property have too much clay and are not conducive to proper operation of the septic drain fields.

The existing foundation on the property currently exists in the side setback and the proposed, new structure will bring this property into compliance if these tree removal variances are granted.

The removal of these interior trees will not alter the privacy of the property as it relates to the neighbors and it will create a defensible fire zone around the future structure. The owner has every intention of mitigating the removal of these trees in accordance with the City of West Lake Hills requirements for tree 14" and greater.

No additional variances are being requested.

Sincerely,

Adam Mosier
Mosier Luxury Homes LLC

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 house cannot be constructed because of the smaller, pie shaped lot located in a cul-de-sac, significantly restricting development when side setbacks are applied. The proposed layout is the minimum request to bring the property into compliance as the current foundation lies in the left side setback. Alternate configurations would result in requesting variances for larger, healthier trees.

(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?

Existing terrain and slope will not be altered. The variance request is associated with removal of existing trees that currently prohibit functional use of the lot. Existing vegetation will be protected or replaced to ensure erosion will not occur. Trees will be replaced in accordance with mitigation requirements.

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

There are two state size oaks (#563 & 564) with *half* critical root zones of 11' and 17', respectively. Because of the location of these two beautiful oaks and the pie shaped, smaller sized lot, the placement of the structure had to be pushed down the lot to its current location. Additionally, the existing slab (to be demolished) is in the side setback. The septic system cannot be placed in an alternate location because soil samples were taken by the soils engineer and designer and it was determined that too much clayey soil existed and he maintains that this would not be conducive to proper dispersion and absorption of the septic field discharge.

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

Placing the structure in another portion of the property will severely restrict the size of the structure proposed and create a disjointed, dysfunctional layout. The existing structure, which will be demolished, currently sits in the side setback. Replacement trees of a different species will also be less hazardous from a fire fuel perspective.

(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?

The zoning ordinance is based on conforming lots (1 acre or greater) and assumes a standard shaped lot. This lot is approximately 0.5 acres and odd shaped because it is in a cul-de-sac. The replacement of "cedars" with more beneficial species will be additive to the current situation and will bring the property into compliance in regard to a fire defensible space plan.

(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 trees to be removed are interior to the property lines and are effectively unseen by neighbors. Neighbors will benefit from the removal of these three trees because they will be replaced with 150% more trees that are safer and more beneficial than cedars.

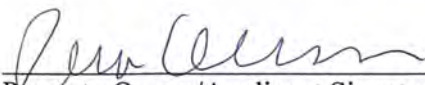
Property Address: 702 Loma Linda



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Santiago Montoya / Jennifer Gillies
have made, constituted and appointed Adam Mosier / Mosier Luxury Homes LLC
to be my duly authorized representative in connection with an application dated 08/13/2020,
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.

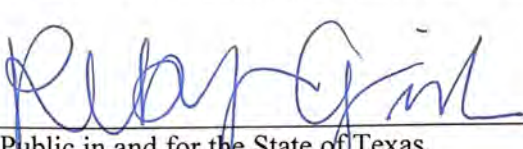
Santiago Montoya / Jennifer Gillies
Property Owner/Applicant Name

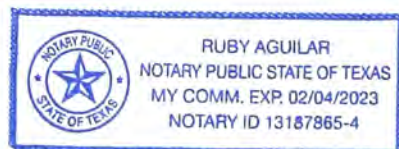

Property Owner/Applicant Signature

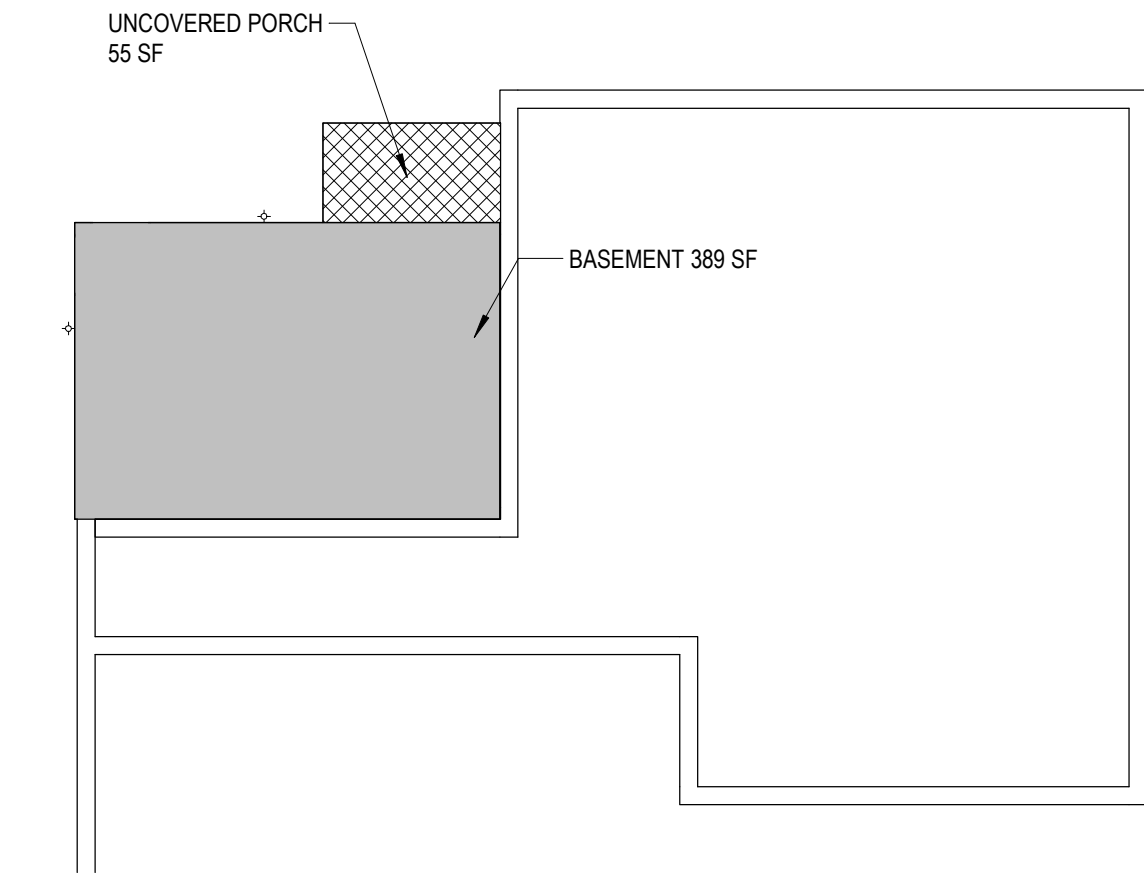
<u>800 S. Lamar #243</u>	<u>Austin</u>	<u>TX</u>	<u>78704</u>
Street Address	City	State	Zip Code

512-565-8103
Property Owner/Applicant Phone Number

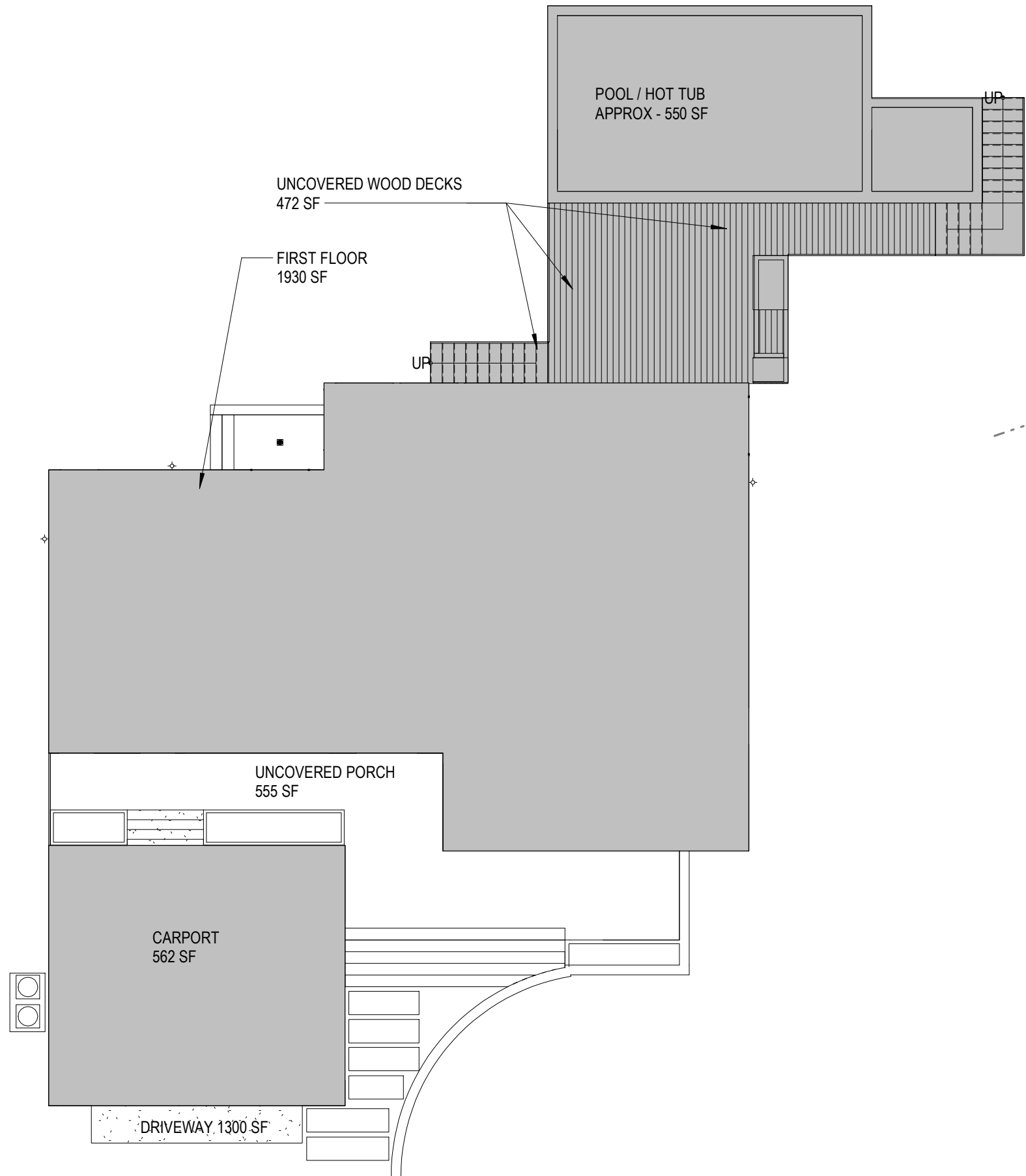
This instrument was acknowledged before me on this the 29th day of September 2020.


Notary Public in and for the State of Texas

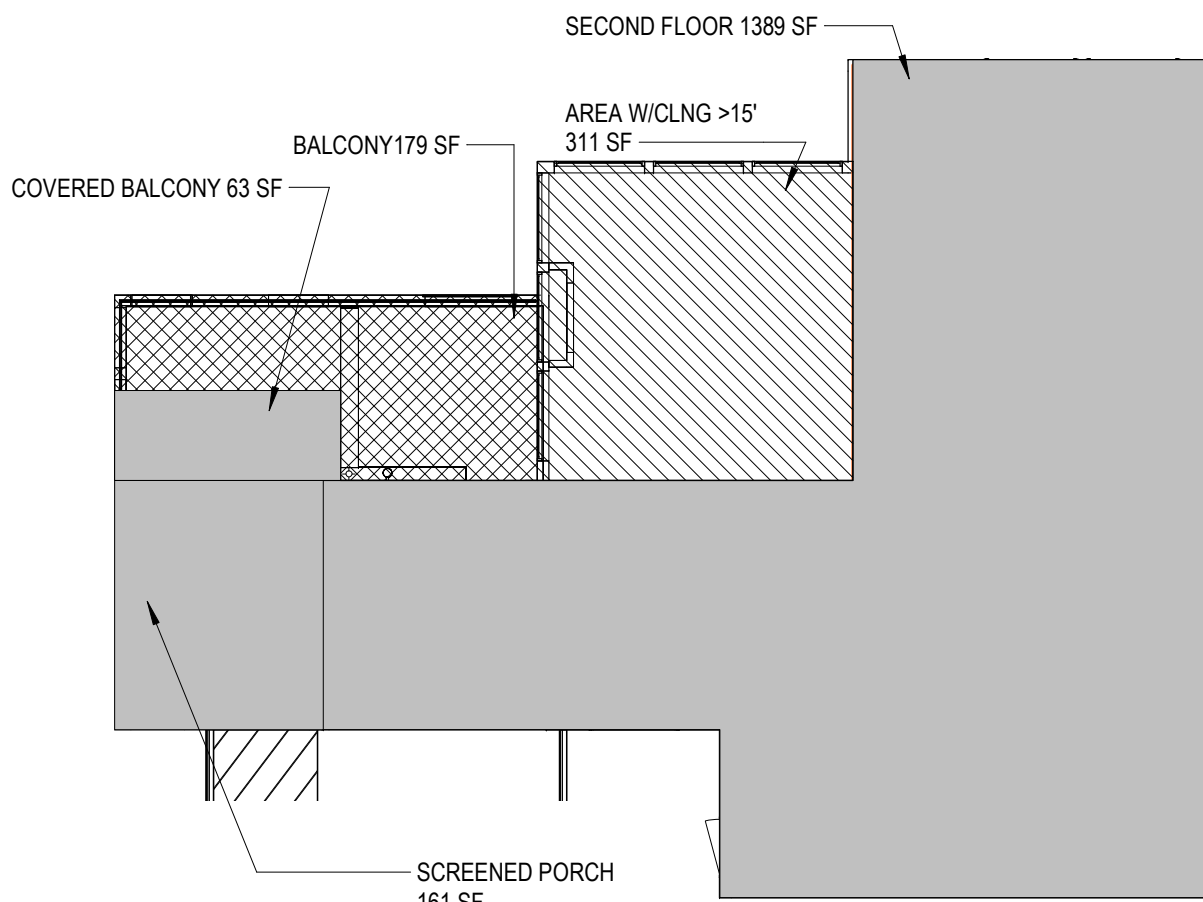




AREA ANALYSIS BASEMENT
3/32" = 1'-0"



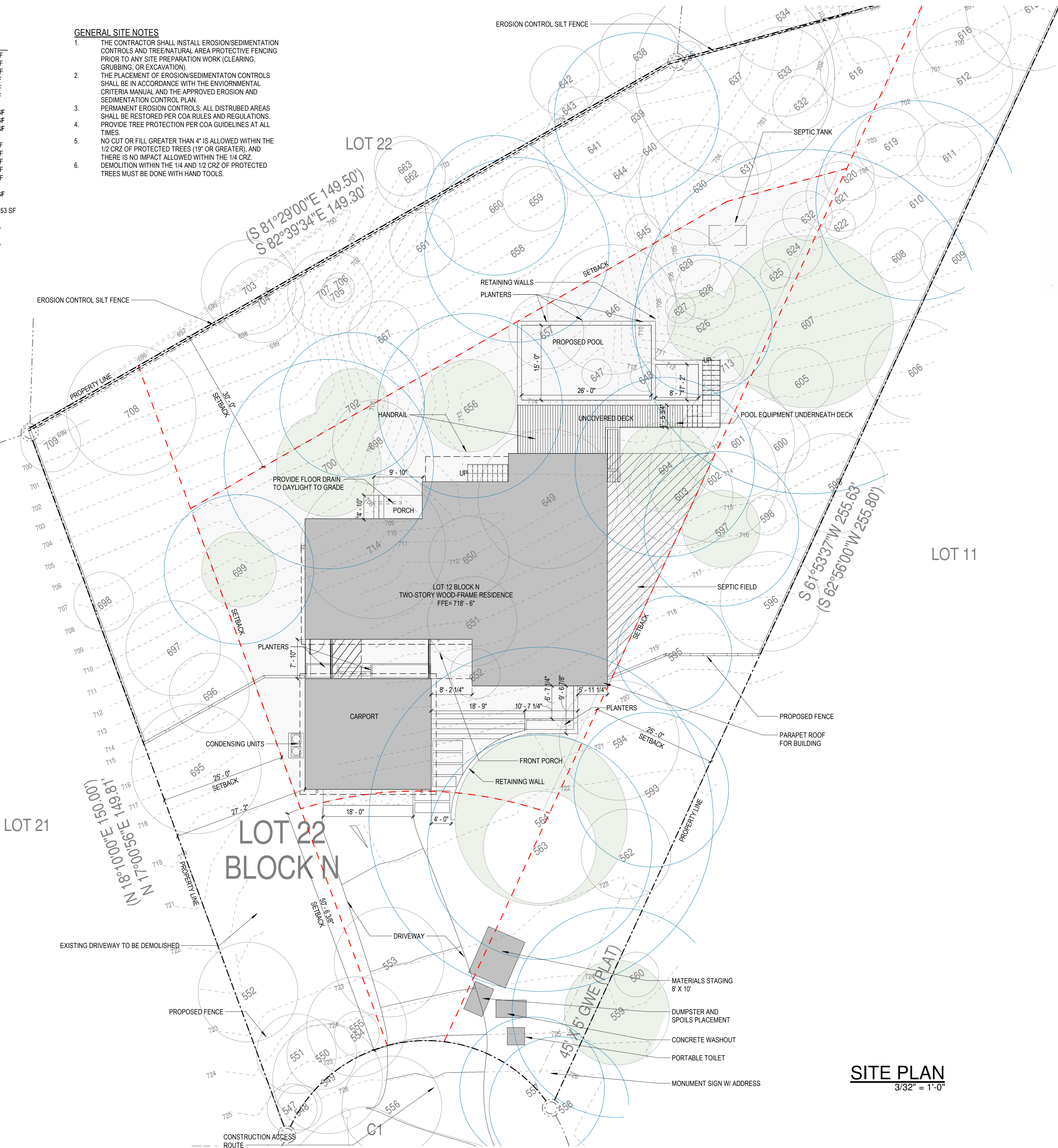
AREA ANALYSIS LEVEL 1
3/32" = 1'-0"



AREA ANALYSIS LEVEL 2
3/32" = 1'-0"

AREA CALCULATIONS	
SPACES	TOTAL
1ST FLOOR CONDITIONED AREA	1930 SF
2ND FLOOR CONDITIONED AREA	1389 SF
BASEMENT CONDITIONED AREA	389 SF
AREA W/CLNG > 15'	311 SF
CARPORT	562 SF
BALCONY/ SCREENED PORCH	224 SF
TOTAL CONDITIONED AREA	
TOTAL BUILDING AREA	
TOTAL BUILDING COVERAGE	
DRIVEWAY	1300 SF
UNCOVERED PORCH	610 SF
UNCOVERED DECK	236 SF
UNCOVERED BALCONY	179 SF
POOL	550 SF
TOTAL IMPERVIOUS COVERAGE	
LOT SIZE	24,187.53 SF
TOTAL BUILDING COVERAGE %	10.30%
TOTAL IMPERVIOUS COVERAGE %	22.19%

- GENERAL SITE NOTES
1. THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS AND TREE/NATURAL AREA PROTECTIVE FENCING PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING, OR EXCAVATION).
 2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL CRITERIA MANUAL AND THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.
 3. PERMANENT EROSION CONTROLS: ALL DISTURBED AREAS SHALL BE RESTORED PER COA RULES AND REGULATIONS.
 4. PROVIDE TREE PROTECTION PER COA GUIDELINES AT ALL TIMES.
 5. NO CUT OR FILL GREATER THAN 4" IS ALLOWED WITHIN THE 1/2 CRZ OF PROTECTED TREES (19' OR GREATER), AND THERE IS NO IMPACT ALLOWED WITHIN THE 1/4 CRZ.
 6. DEMOLITION WITHIN THE 1/4 AND 1/2 CRZ OF PROTECTED TREES MUST BE DONE WITH HAND TOOLS.



SITE PLAN
3/32" = 1'-0"

WORKSHOP

No 05

ARCHITECTURE + INTERIORS
3027 N. LAMAR BLVD. #302B
AUSTIN, TX 78705
512.243.8346

Seal:



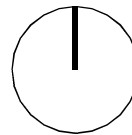
08.11.2020

SHEET IS FORMATTED TO 22" x 34". SCALES ARE ONE HALF OF NOTED WHEN PRINTED AT HALF SIZE.

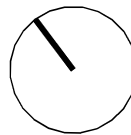
LOMA LINDA RESIDENCE

702 LOMA LINDA
WESTLAKE HILLS, TX
78746

Plan North



True North



Issue

1 08.11.2020 PERMIT SET

Project Number, 2020-02
Drawn By, BS
Checked By, BS

SITE PLAN

A100

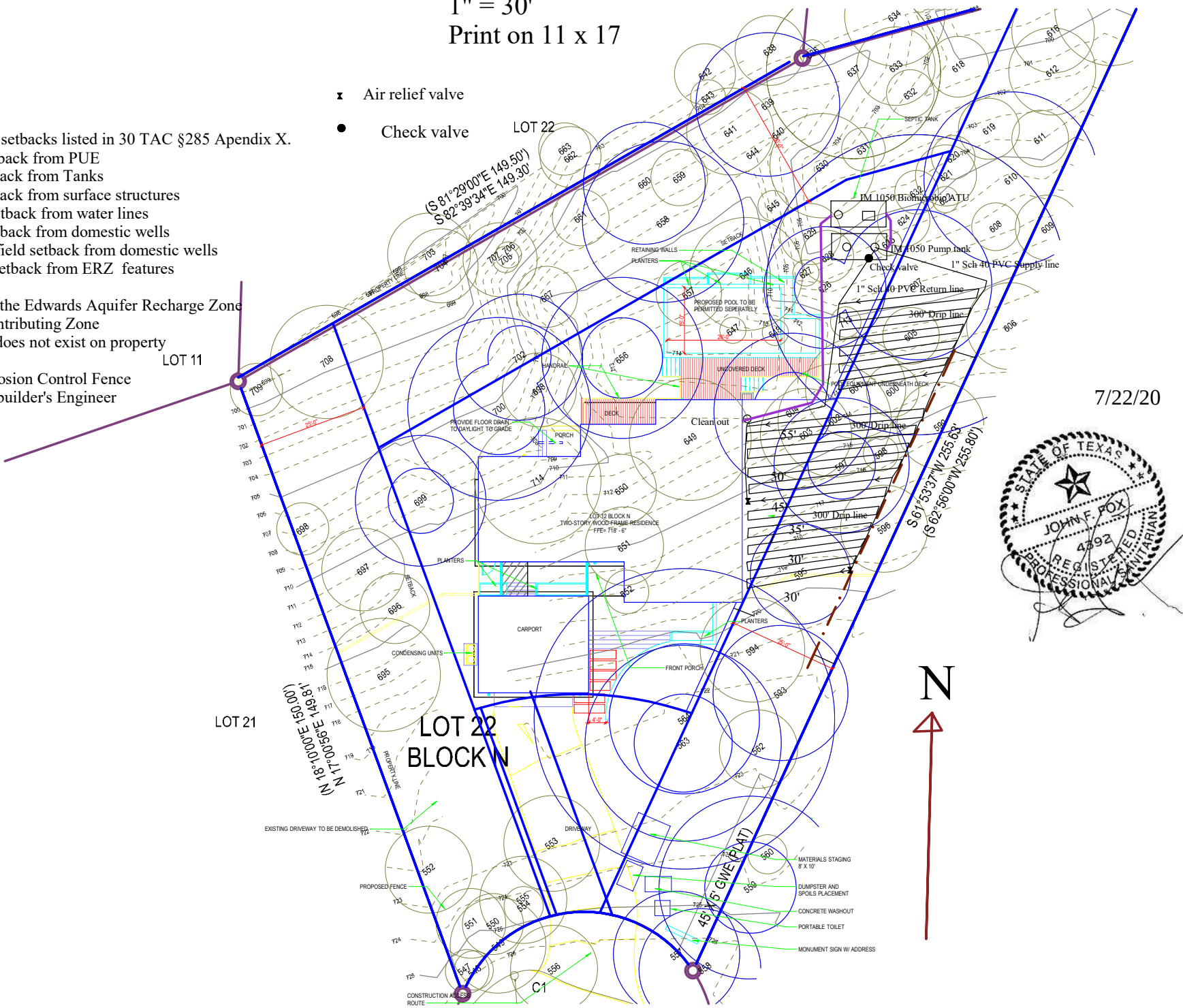
1" = 30'
Print on 11 x 17

- ✕ Air relief valve
- Check valve

Abideby all setbacks listed in 30 TAC §285 Apendix X.
1' OSSF setback from PUE
5' Tank setback from surface structures
10' OSSF setback from water lines
50' Tank setback from domestic wells
100' OSSF field setback from domestic wells
150 OSSF setback from ERZ features

Does not in the Edwards Aquifer Recharge Zone
Is in the Contributing Zone
Floodplain does not exist on property

Site plan Erosion Control Fence
mapped by builder's Engineer



Fwd: 702 Loma Linda

Jenna Gillies [REDACTED] >
To: Adam Mosier [REDACTED] >
Cc: Santiago Montoya [REDACTED]

Tue, Sep 29, 2020 at 9:08 AM

See below for explanation of the 2 trees.

Begin forwarded message:

From: Jenna Gillies [REDACTED] >
Date: September 29, 2020 at 9:06:53 AM CDT
To: Santiago Montoya [REDACTED]
Subject: Fwd: 702 Loma Linda

Begin forwarded message:

From: Amy Mosier [REDACTED]
Date: January 2, 2020 at 12:17:20 PM CST
To: [REDACTED] Adam Mosier
[REDACTED] >
Subject: Fwd: 702 Loma Linda

Jenna and Santi, please take a look at the email and attachments below that Darin (listing agent) sent me after our phone conversation.

Let me know if tomorrow at 11:45am works for the two of you to meet at Loma Linda.

Thanks!



AMY MOSIER

Realtor®, GRI, SRS, GREEN, ABR

Institute for Luxury Home Marketing Member

c 512.947.7255 | SEED Property Group | AMP

----- Forwarded message -----

From: Darin Walker [REDACTED]
Date: Thu, Jan 2, 2020 at 11:53 AM

Subject: 702 Loma Linda

To: <amy[REDACTED]>

Amy,

Attached is the tree and topo survey and site plans and floor plan Cornerstone Architects has worked up. Under this plan, the slab would be demoed and the house will be removed from the side setback. Also two cedar trees that were behind the preexisting house were removed with permission from the city as they would have been damaged in the demo of the house.

Bob Wetmore with Cornerstone knows City of West Lake Hills building codes extremely well and does a great job of designing homes that can be cost efficiently built on the lot. He's more than happy to meet with your clients to design a floorplan for just 3k sqft that gets them what they want.

Thanks,
Darin

--



and



DARIN S. WALKER

Elite 25 Member

[View my agent biography film](#)

c 512.560.7633 **o** 512.328.0058

w darinwalkeraustin.com

e darin.walker@sothebysrealty.com

a 2700 Barton Creek Blvd #200

Austin, Texas 78735



3 attachments

 **Tree and Topo Survey 702 Loma Linda.pdf**
517K

 **Loma Linda Concept Site Plan 19-12-11.pdf**
3403K

 **Loma Linda Concept Plan 19-12-11.pdf**
4150K



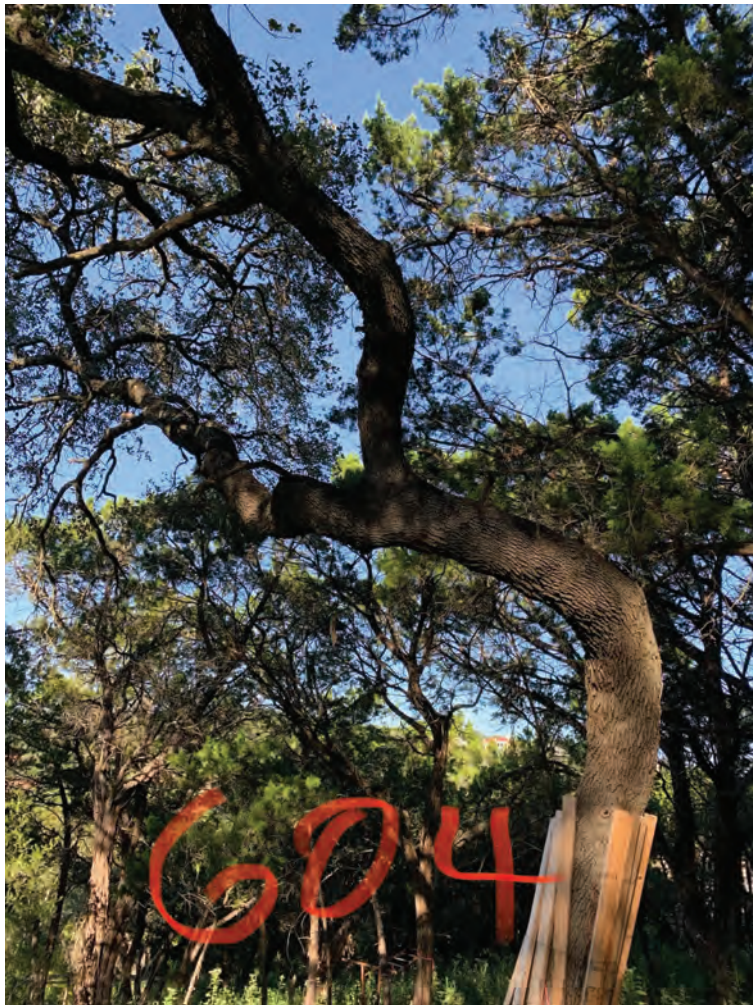
Centerview of lot with several subject trees for removal shown



Tree #714 was removed during demolition by prior property owner



Current Foundation lies in left setback



#604
18" Live Oak



Tree #607
34.5" Multitrunk Cedar



#595
17" Spanish Oak

595 - 17" Span Oak



#597
15.5" Cedar



#626
14" Cedar

1. THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS, TREE/NATURAL AREA PROTECTIVE FENCING, AND CONDUCT "PRE-CONSTRUCTION" TREE FERTILIZATION (IF APPLICABLE) PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING OR EXCAVATION).

2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.

3. ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD AND OR MODIFY EROSION/SEDIMENTATION CONTROLS ON SITE TO KEEP PROJECT IN COMPLIANCE WITH THE CITY OF WESTLAKE HILLS RULES AND REGULATIONS.

4. PURSUANT TO 14-11-131 OF THE CITY CODE, THE CONTRACTOR MAY NOT BLOCK, DIRECT, IMPEDE, OR REROUTE PEDESTRIAN AND VEHICULAR TRAFFIC, NOR PLACE A BARRICADE OR OTHER TRAFFIC CONTROL DEVICE IN A RIGHT-OF-WAY, WITHOUT FIRST OBTAINING A TEMPORARY USE OF RIGHT-OF-WAY PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION.

5. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS THAT ARE REQUIRED TO COMPLY WITH SECTIONS OF THE CITY CODE REGARDING EXCAVATION IN PUBLIC RIGHT-OF-WAY.

6. CONTROL TO BE PROVIDED BY CONTRACTOR IN ACCORDANCE WITH THE CITY OF WESTLAKE HILLS.

7. CONTRACTOR SHALL CLEAN UP SPOILS THAT MIGRATE INTO EXISTING RIGHT-OF-WAY A MINIMUM OF ONCE PER DAY.

8. CONTRACTOR SHALL INSTALL TEMPORARY CHAIN LINK FENCE FOR PEDESTRIAN SAFETY WHERE LIMITS OF CONSTRUCTION ARE SHOWN.

9. ALL STORM WATER LEAVING THE SITE DURING CONSTRUCTION ACTIVITIES MUST PASS THROUGH THE SILT FENCE OR ROCK BERMS.

10. SILT FENCE TYPE AND INSTALLATION SHALL COMPLY WITH ECM 1.4.2(G).

11. REFERENCE "GENERAL NOTES" SHEETS FOR EROSION CONTROL NOTES, SEQUENCE OF CONSTRUCTION.

12. IF DISTURBED AREA IS NOT TO BE WORKED ON FOR MORE THAN 14 DAYS, DISTURBED AREA NEEDS TO BE STABILIZED BY REVEGETATION, MULCH, TARP OR REVEGETATION MATTING.

13. THE PLACEMENT OF TREE/NATURAL AREA PROTECTIVE FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN STANDARD NOTES FOR TREE AND NATURAL AREA PROTECTION AND THE APPROVED GRADING/TREE AND NATURAL AREA PLAN.

14. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD ON-SITE WITH THE CONTRACTOR, DESIGN ENGINEER/PERMIT APPLICANT AND ENVIRONMENTAL INSPECTOR AFTER INSTALLATION OF THE EROSION/SEDIMENTATION CONTROLS.

15. TREE/NATURAL AREA PROTECTION MEASURES AND "PRE-CONSTRUCTION" TREE FERTILIZATION (IF APPLICABLE) PRIOR TO BEGINNING ANY SITE PREPARATION WORK.

16. ANY MAJOR VARIATION IN MATERIALS OR LOCATIONS OF CONTROLS OR FENCES FROM THOSE SHOWN ON THE APPROVED PLANS WILL REQUIRE A REVISION AND MUST BE APPROVED BY THE REVIEWING ENGINEER, ENVIRONMENTAL SPECIALIST OR CITY ARBORIST AS APPROPRIATE. MAJOR REVISIONS MUST BE APPROVED BY AUTHORIZED STAFF. MINOR CHANGES TO BE MADE AS FIELD REVISIONS TO THE EROSION AND SEDIMENTATION CONTROL PLAN MAY BE REQUIRED BY THE ENVIRONMENTAL INSPECTOR DURING THE COURSE OF CONSTRUCTION TO CORRECT CONTROL INADEQUACIES.

17. THE CONTRACTOR IS REQUIRED TO PROVIDE A CERTIFIED INSPECTOR THAT IS EITHER A LICENSED ENGINEER (OR PERSON DIRECTLY SUPERVISED BY THE LICENSED ENGINEER) OR CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC OR CPESC - IT), CERTIFIED EROSION, SEDIMENT AND STORMWATER - INSPECTOR (CESSWI OR CESSWI - IT) OR CERTIFIED INSPECTOR OF SEDIMENTATION AND EROSION CONTROLS (CISEC OR CISEC - IT) CERTIFICATION TO INSPECT THE CONTROLS AND FENCES AT WEEKLY OR BI-WEEKLY INTERVALS AND AFTER ONE-HALF (1/2) INCH OR GREATER RAINFALL EVENTS TO INSURE THAT THEY ARE FUNCTIONING PROPERLY. THE PERSON(S) RESPONSIBLE FOR MAINTENANCE OF CONTROLS AND FENCES SHALL IMMEDIATELY MAKE ANY NECESSARY REPAIRS TO DAMAGED AREAS. SILT ACCUMULATION AT CONTROLS MUST BE REMOVED WHEN THE DEPTH REACHES SIX (6) INCHES OR ONE-THIRD (1/3) OF THE INSTALLED HEIGHT OF THE CONTROL WHICHEVER IS LESS.

18. UPON FINAL ACCEPTANCE OF THE CITY, HAUL ROADS AND WATERWAY CROSSINGS CONSTRUCTED FOR TEMPORARY CONTRACTOR ACCESS MUST BE REMOVED, ACCUMULATED SEDIMENT REMOVED FROM THE WATERWAY AND THE AREA RESTORED TO THE ORIGINAL GRADE AND REVEGETATED. ALL LAND LEAVING DEBRIS SHALL BE DISPOSED OF IN APPROVED SPOIL DISPOSAL SITES.

19. ALL WORK MUST STOP IF A VOID IN THE ROCK SUBSTRATE IS DISCOVERED WHICH IS: ONE SQUARE FOOT IN TOTAL AREA; BLOWS AIR FROM WITHIN THE SUBSTRATE AND/OR CONSISTENTLY RECEIVES WATER DURING ANY RAIN EVENT. AT THIS TIME IT IS THE RESPONSIBILITY OF THE PROJECT MANAGER TO IMMEDIATELY CONTACT AN ENVIRONMENTAL INSPECTOR FOR FURTHER INVESTIGATION. IN ADDITION, IF THE PROJECT SITE IS LOCATED WITHIN THE EDWARDS AQUIFER, THE PROJECT MANAGER MUST NOTIFY THE TRAVIS COUNTY BALCONES CANYONLANDS CONSERVATION PRESERVE (BCCP) BY EMAIL AT BCCP@TRAVISCOUNTYTX.GOV. CONSTRUCTION ACTIVITIES WITHIN 50 FEET OF THE VOID MUST STOP.

20. TEMPORARY AND PERMANENT EROSION CONTROL: ALL DISTURBED AREAS SHALL BE RESTORED AS NOTED BELOW:

- A. ALL DISTURBED AREAS TO BE REVEGETATED ARE REQUIRED TO PLACE A MINIMUM OF SIX (6) INCHES OF TOPSOIL [SEE STANDARD SPECIFICATION ITEM NO. 601S.3(A)]. DO NOT ADD TOPSOIL WITHIN THE CRITICAL ROOT ZONE OF EXISTING TREES.
- B. TOPSOIL SALVAGED FROM THE EXISTING SITE IS ENCOURAGED FOR USE, BUT IT SHOULD MEET THE STANDARDS SET FORTH IN 601S.
- C. AN OWNER/ENGINEER MAY PROPOSE USE OF ONSITE SALVAGED TOPSOIL, WHICH DOES NOT MEET THE CRITERIA OF STANDARD SPECIFICATION 601S BY PROVIDING A SOIL ANALYSIS AND A WRITTEN STATEMENT FROM A QUALIFIED PROFESSIONAL IN SOILS, LANDSCAPE ARCHITECTURE, OR AGRONOMY INDICATING THE ONSITE TOPSOIL WILL PROVIDE AN EQUIVALENT GROWTH MEDIA AND SPECIFYING WHAT, IF ANY, SOIL AMENDMENTS ARE REQUIRED.
- D. SOIL AMENDMENTS SHALL BE WORKED INTO THE EXISTING ONSITE TOPSOIL WITH A DISC OR TILLER TO CREATE A WELL-BLENDED MATERIAL.
- THE VEGETATIVE STABILIZATION OF AREAS DISTURBED BY CONSTRUCTION SHALL BE AS FOLLOWS:

a. FROM SEPTEMBER 15 TO MARCH 1, SEEDING SHALL BE WITH OR INCLUDE A COOL SEASON COVER CROP: (WESTERN WHEATGRASS (PASCOPYRUM SMITHII) AT 5.6 POUNDS PER ACRE, OATS (AVENA SATIVA) AT 4.0 POUNDS PER ACRE, CEREAL RYE GRASS (SECALE CEREALE) AT 45 POUNDS PER ACRE. CONTRACTOR MUST ENSURE THAT ANY SEED APPLICATION REQUIRING A COOL SEASON COVER CROP DOES NOT UTILIZE ANNUAL RYEGRASS (LOLIUM ULIDIFLORUM) OR PERENNIAL RYEGRASS (LOLIUM PERENNE). COOL SEASON COVER CROPS ARE NOT PERMANENT EROSION CONTROL.

b. FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUDEA AT A RATE OF 45 POUNDS PER ACRE OR A NATIVE PLANT SEED MIX CONFORMING TO ITEM 604S OR 609S.

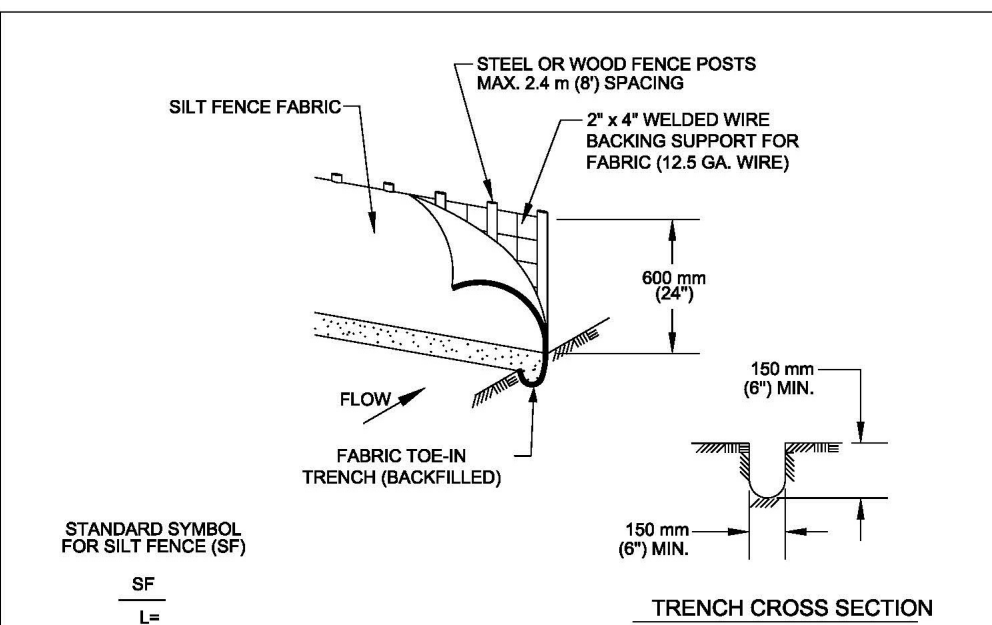
- FERTILIZER SHALL BE APPLIED ONLY IF WARRANTED BY A SOIL TEST AND SHALL CONFORM TO ITEM NO. 606S. FERTILIZER. FERTILIZATION SHOULD NOT OCCUR WHEN RAINFALL IS EXPECTED OR DURING SLOW PLANT GROWTH OR DORMANCY. CHEMICAL FERTILIZER MAY NOT BE APPLIED IN THE CRITICAL WATER QUALITY ZONE.
- HYDROMULCH SHALL COMPLY WITH TABLE 1, BELOW.
- TEMPORARY EROSION CONTROL SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1 1/4 INCHES HIGH WITH A MINIMUM OF 95% TOTAL COVERAGE SO THAT ALL AREAS OF A SITE THAT RELY ON VEGETATION FOR TEMPORARY STABILIZATION ARE UNIFORMLY VEGETATED, AND PROVIDED THERE ARE NO BARE SPOTS LARGER THAN 10 SQUARE FEET.
- WHEN REQUIRED, NATIVE PLANT SEEDING SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, AND STANDARD SPECIFICATION 604S OR 609S.

PERMANENT VEGETATIVE STABILIZATION:

a. FROM SEPTEMBER 15 TO MARCH 1, SEEDING IS CONSIDERED TO BE TEMPORARY STABILIZATION ONLY. IF COOL SEASON COVER CROPS EXIST WHERE PERMANENT VEGETATIVE STABILIZATION IS DESIRED, THE GRASSES SHALL BE MOVED TO A HEIGHT OF LESS THAN ONE-HALF (1/2) INCH AND THE AREA SHALL BE RE-SEED IN ACCORDANCE WITH TABLE 2 BELOW. ALTERNATIVELY, THE COOL SEASON COVER CROP CAN BE MIXED WITH BERMUDEAGRASS OR NATIVE SEED AND INSTALLED TOGETHER. UNDERSTANDING THAT GERMINATION OF WARM-SEASON SEEDS TYPICALLY REQUIRES SOIL TEMPERATURES OF 60 TO 70 DEGREES.

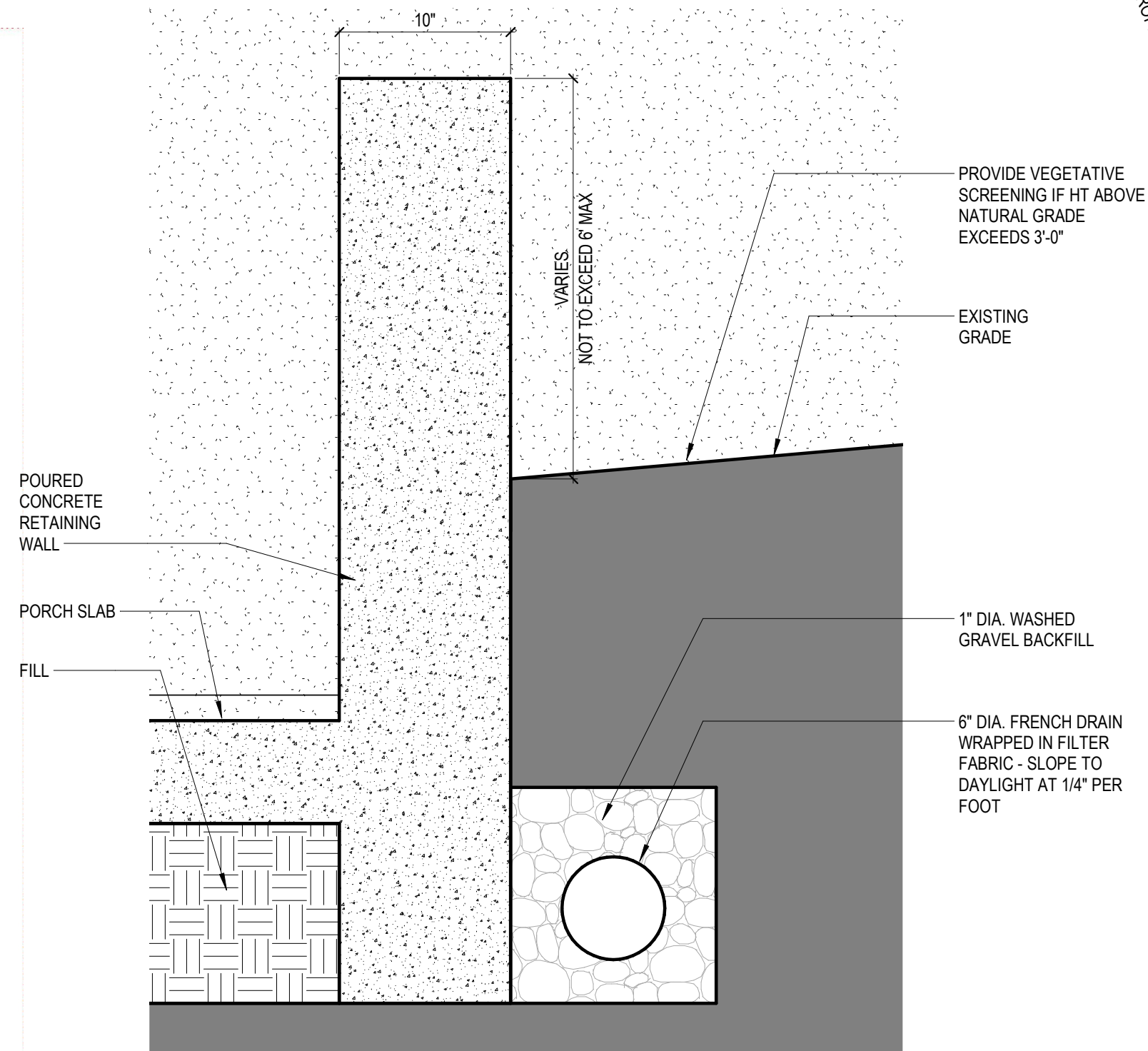
b. FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUDEA AT A RATE OF 45 POUNDS PER ACRE WITH A PURITY OF 95% AND A MINIMUM PURE LIVE SEED (PLS) OF 0.83. BERMUDEA GRASS IS A WARM SEASON GRASS AND IS CONSIDERED PERMANENT EROSION CONTROL. PERMANENT VEGETATIVE STABILIZATION CAN ALSO BE ACCOMPLISHED WITH A NATIVE PLANT SEED MIX CONFORMING TO ITEM 604S OR 609S.

- FERTILIZER USE SHALL FOLLOW THE RECOMMENDATION OF A SOIL TEST. SEE ITEM 606S. FERTILIZER. APPLICATIONS OF FERTILIZER (AND PESTICIDE) ON CITY-OWNED AND MANAGED PROPERTY REQUIRES THE YEARLY SUBMITTAL OF A PESTICIDE AND FERTILIZER APPLICATION RECORD, ALONG WITH A CURRENT COPY OF THE APPLICATOR'S LICENSE. FOR CURRENT COPY OF THE RECORD TEMPLATE CONTACT THE CITY OF AUSTIN'S IPM COORDINATOR.
- HYDROMULCH SHALL COMPLY WITH TABLE 2, BELOW.
- WATER THE SEEDED AREAS IMMEDIATELY AFTER INSTALLATION TO ACHIEVE GERMINATION AND A HEALTHY STAND OF PLANTS THAT CAN ULTIMATELY SURVIVE WITHOUT SUPPLEMENTAL WATER. APPLY THE WATER UNIFORMLY TO THE PLANTED AREAS WITHOUT CAUSING DISPLACEMENT OR EROSION OF THE MATERIALS OR SOIL. MAINTAIN THE SEEDBED IN A MOIST CONDITION FAVORABLE FOR PLANT GROWTH. ALL WATER SHALL COMPLY WITH CITY CODE CHAPTER 6-4 (WATER CONSERVATION). AT RATES AND FREQUENCIES DETERMINED BY A LICENSED IRRIGATOR OR OTHER QUALIFIED PROFESSIONAL, AND AS ALLOWED BY THE AUSTIN WATER UTILITY AND CURRENT WATER RESTRICTIONS AND WATER CONSERVATION INITIATIVES.
- PERMANENT EROSION CONTROL SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1 1/4 INCHES HIGH WITH A MINIMUM OF 95 PERCENT FOR THE NON-NATIVE MIX, AND 95 PERCENT COVERAGE FOR THE NATIVE MIX SO THAT ALL AREAS OF A SITE THAT RELY ON VEGETATION FOR STABILITY MUST BE UNIFORMLY VEGETATED, AND PROVIDED THERE ARE NO BARE SPOTS LARGER THAN 10 SQUARE FEET.
- WHEN REQUIRED, NATIVE PLANT SEEDING SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, ITEMS 604S AND 609S.



1. STEEL OR WOOD POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF 300 mm (12 INCHES). IF WOOD POSTS CANNOT ACHIEVE 300 mm (12 inches) DEPTH, USE STEEL POSTS.
2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. THE TRENCH MUST BE A MINIMUM OF 150 mm (6 INCHES) DEEP AND 150 mm (6 inches) WIDE TO ALLOW FOR THE SILT FENCE FABRIC TO BE LAID IN THE GROUND AND BACKFILLED WITH COMPACTED MATERIAL.
4. SILT FENCE FABRIC SHOULD BE SECURELY FASTENED TO EACH STEEL OR WOOD POST SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL OR WOOD FENCE POST.
5. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
7. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 150 mm (6 inches). THE SILT SHALL BE DISPOSED OF ON AN APPROVED SITE AND IN SUCH A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.

CITY OF AUSTIN WATERSHED PROTECTION DEPARTMENT		SILT FENCE	
RECORD COPY SIGNED BY MORGAN BYARS	09/01/2011	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 642S-1
ADOPTED			


$$1\frac{1}{2}'' = 1'-0''$$
$$1/16'' = 1'-0''$$

Anjali Naini

From: Lonnie Hazlewood [REDACTED] >
Sent: Monday, October 26, 2020 11:11 AM
To: Anjali Naini
Subject: 702 Loma Linda variance

Very much opposed to cutting down the Heritage Oak (over 100 years old) on this property.
Will the meeting be a Zoom meeting? Will the city offer any help in getting setup to attend this meeting?

Lonnie Hazlewood
705 Terrace Mountain Dr.



SIGN VARIANCE APPLICATION STAFF REPORT

NOVEMBER 18, 2020

Project Address: 4611 Bee Cave Road

Project Number: 16026

Agenda Item: Land Use: **4611 Bee Cave Road:** Discussion/recommendation on a variance request to construct a new monument sign that exceeds the maximum allowed height, area, and sign base height. (West Lake Hills Code Sec. 32.03.006). Applicant David Alsmeyer.

Applicant Information: David Alsmeyer

Location: The property is located on the south side of Bee Cave Road, west of Buckeye Trail and east of Swiftcurrent Trail.

Zoning & Site Characteristics:

The property is zoned O – Office District. The entire property is approximately 2 acres.

Hearing Dates:

November 18, 2020 ZAPCO

December 9, 2020 City Council

Background/Analysis:

The Applicant is applying for a variance for a new monument sign to replace the existing sign. The driveway has a steep grade, and the applicant is asking for a height variance in order for the sign to be more visible from the street level. The proposed sign is 13ft 1in tall, and the Code allows a maximum of 8ft measured from natural ground grade. The total sign area is approximately 109sf, and the maximum allowed area is 36sf. Additionally, the sign base exceeds the maximum permitted 18in.

Sign Review under City Code Sec. 32.03.006 (Freestanding commercial signs, multitenant shopping center or office complex; option I, option II, and option III) – Option II

- 1) Purpose. *To identify the name of the multitenant shopping center or office complex (subject to the limitations contained in subsection (F) below) and the businesses located therein.* | **Complies**
- 2) Size. *A maximum size of 36 square feet, with a horizontal dimension of no greater than 9 feet.* | **The proposed sign is approximately 109sf – variance requested.**

- 3) Height. *No part of the sign shall extend above 8 feet from average natural grade, including a base no greater than 18 inches tall.* | **Proposed sign is 13'1" – variance requested.**
- 4) Number. *One sign on the major traffic street or main entrance. If a multitenant shopping center has two or more public entrances, a separate sign is permitted on the subordinate driveway and such sign shall be limited in area to 12 square feet, no part of such sign shall extend above 5 feet from average natural grade and such sign shall only contain the name of the center (subject to the limitations contained in subsection (F) below) and the street address.* | **Only one sign proposed; complies. Proposed sign will replace existing monument sign.**
- 5) Location. *On premises of the center or complex and adjacent to major trafficway which the building abuts, between the right-of-way and the building setback lines so as not to create a traffic hazard.* | **Location complies**
- 6) Design. *The monument sign design shall contain the name of the center and the address at the top of the sign; the individual businesses may be listed under the name of the complex. Lettering designating the name of the shopping center and street address shall not exceed a maximum of 7 inches in height. Other subordinate lettering designating retail businesses shall not exceed 3 inches in height. The base of the monument sign shall have a maximum height of 18 inches in a landscaped setting, and any design shall be shown not to create a traffic hazard. The name of the multitenant shopping center or office complex may not be the same or similar to any individual tenant or business located in such shopping center or office complex.* | **Sign base is 4'11" – variance needed.**
- 7) Lighting. *Indirect.* | **Sign is internally illuminated, complies.**
- 8) Landscaping: Shall be as follows:
 - (i) A landscaped area of 120 square feet at the base of the sign;
 - (ii) All landscaped areas shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and
 - (iii) A plan showing the landscaping must be submitted to the council by the applicant at the time of application. | **Complies**

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 – "Due to the topography of the site and the raised roadbed from the reconstruction of Bee Cave Road, the base of the existing sign sits 5 feet below grade. In addition, the proposed sign sits approximately 20 feet from the road due to easements and road ROW. Lastly, a large heritage oak tree to the west of the

proposed sign limits visibility from the West. Without a height variance we believe these 3 factors will result in poor visibility of the sign.”

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

The application states – “We are using the existing masonry sign base so there will be no excavation work or removal of any existing plant material. We worked with the City Arborist earlier in the year to prune a nearby heritage oak tree to make sure the proposed sign would not interfere with the tree’s canopy.”

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

The application states – “The frontage of the site falls off very steeply from the road and is heavily wooded in a natural terrain setting including several heritage trees. Any other location for the sign on the site would result in major disruption to the landscaping and would probably be less visible due to a concrete bulkhead installed during the road reconstruction.”

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

The application states – “The height variance we are requesting will bring the tenant sign to 7 feet above grade (instead of 9) and the square footage of the sign complies with the Ordinance.”

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

The application states – “We believe the intent of the Ordinance is to limit the height of tenant signs to 9 feet above grade. Our proposed sign is 7 feet above grade.”

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

The application states – “The neighboring properties on both sides of the subject property are also office buildings and have similar tenant signage. Our proposed sign will be of similar design and constructed with high quality materials/illumination. In addition, our proposed sign sits approximately 20 feet from the road and will not be visible from the neighboring properties.”

Staff Recommendation

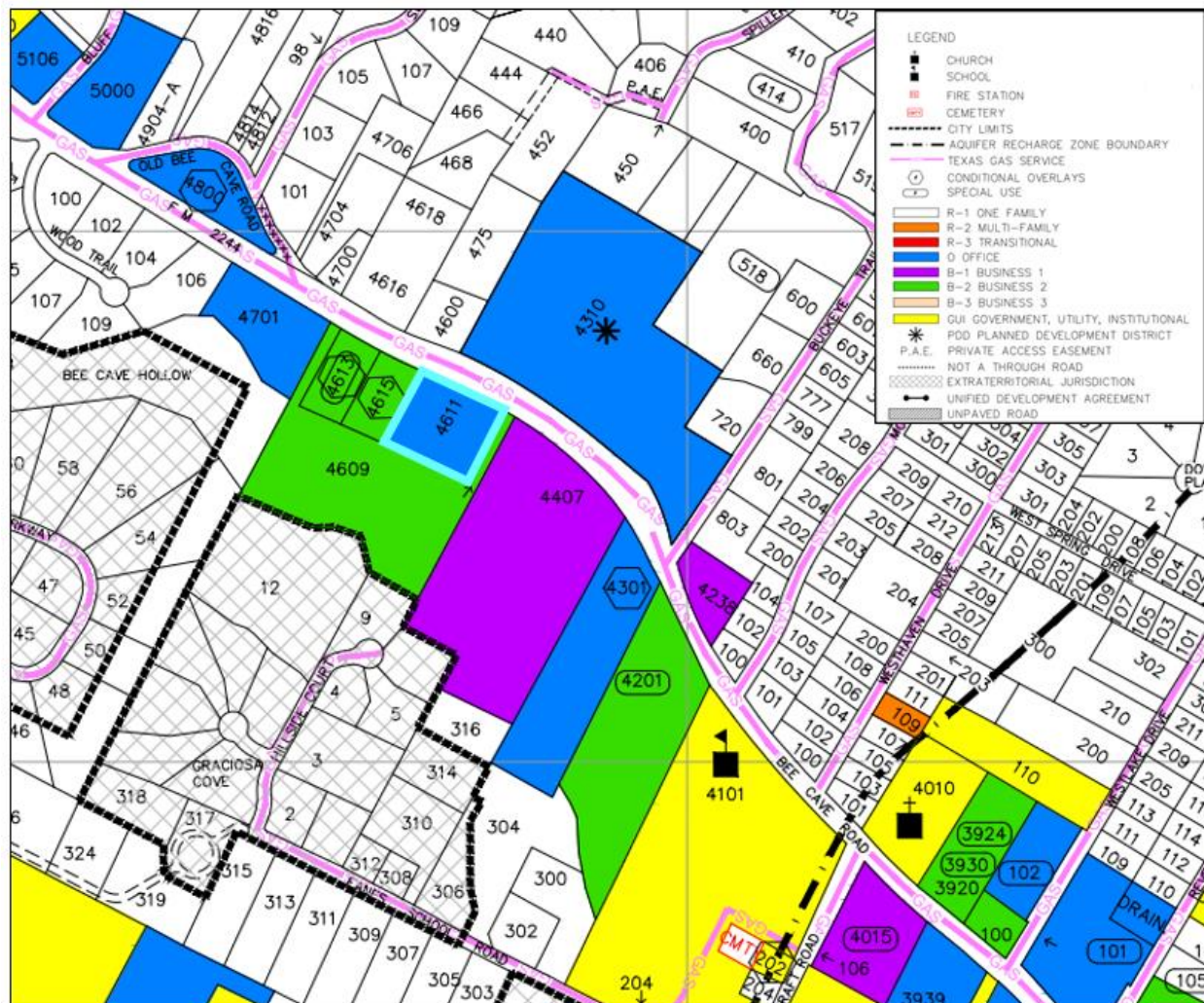
The proposed sign is much larger than what the Code permits at just over 5ft taller than the maximum height, the base is much taller than the maximum permitted 18in, and the total sign area is three times the permitted size. The stated hardship does not justify the excessive size and the sign as proposed does not appear to be the minimum needed to alleviate the hardship.

Staff therefore recommends: 1) denial; 2) ZAPCO could consider recommending a smaller sign that minimizes the requested variances.

Relevant Code Links:

- [Article 32.02 – Permits and Inspections](#)
- [Section 32.01.013 – Design review guidelines](#)
- [Section 32.03.006 – Freestanding commercial signs, multitenant shopping center or office complex; option I, option II, and option III](#)

Zoning:



Aerial:



APPLICATION COVER SHEET

Property Address: 4611 BEE CAVE RD.
Applicant Name: DAVID ALMEYER
Designated Agent (if any, Power of Attorney Required): N/A
Applicant Phone Number: 512-971-9111 Email Address: DALEMEYER@TIGUSA.COM
Date Application was Submitted: 10-1-2020
Variance(s) Requested: HEIGHT & AREA VARIANCE: DRIVEWAY ENTRANCE SIGN
DUE TO TOPOGRAPHY OF THE SITE.

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

October 1, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman

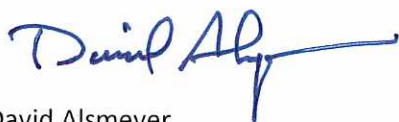
This letter summarizes our request for a height & area variance for a sign on a multi-tenant office building located at 4611 Bee Caves Road. We are requesting a variance because of the following:

1. The reconstruction of Bee Caves Road resulted in a raised roadbed and the installation of a concrete bulkhead and railing along the front of the property, and;
2. The topography of the site is such that it falls steeply from the road. This puts the base of the existing sign approximately 5 feet below and 20 feet back from the current surface of the road, and;
3. We tried to find an alternate location for the sign but the topography and presence of heavily landscaped natural terrain including several heritage trees on the site made this option more disruptive to the landscaping.

We plan to replace the existing sign using the same masonry base so that the footprint of the sign will not change. From the reconstructed roadway, the proposed sign is 7 feet 7 inches above grade. It will be made of high-quality materials and comply with all other parts of the sign ordinance.

Without a variance, we believe the tenant sign would lack visibility from the road. This sign is the sole sign on the property and is the only place the address is posted. First responders and building visitors alike rely on clear, visible signage to safely identify and enter the property.

Sincerely,



David Alsmeyer
Managing Agent,
4611 Bee Cave Holdings, LLC

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

- (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.**

Due to the topography of the site and the raised roadbed from the reconstruction of Bee Cave Road, the base of the existing sign sits 5 feet below grade. In addition, the proposed sign sits approximately 20 feet back from the road due to easements and road ROW. Lastly, a large heritage oak tree to the west of the proposed sign limits visibility from the West. Without a height & area variance, we believe these 3 factors will result in poor visibility of the sign.

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

We are using the existing masonry sign base so there will be no excavation work or removal of any existing plant material. We worked with the City Arborist earlier in the year to prune a nearby heritage oak tree to make sure the proposed sign would not interfere with the tree's canopy.

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

The frontage of the site falls off very steeply from the road and is heavily wooded in a natural terrain setting including several heritage trees. Any other location for the sign on the site would result in major disruption to the landscaping and would probably be less visible due to a concrete bulkhead installed during the road reconstruction.

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

The height variance we are requesting will bring the tenant sign to 7 feet 7 inches above grade which is below the 8-foot maximum.

The area variance is requested because the sign sits nearly 20 feet off the road and without the larger surface, it would be less visible.

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

We believe the intent of the Ordinance is to limit the height of tenant signs to 9 feet above grade. Our proposed sign is 7' 7" above grade. The area variance is necessary because the proposed sign sits back from the road nearly 20 feet.

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

The neighboring properties on both sides of the subject property are also office buildings and have similar tenant signage. Our proposed sign will be of similar design and constructed with high quality materials/illumination. In addition, our proposed sign sits approximately 20 feet from the road and will not be visible from the neighboring properties.



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Eagle Center
4611 Bee Caves
Rd.
West Lake Hill,
TX 78746

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ART VERSION	190557-13		
DATE	11/12/20		
SALES	Paul		
PM	PM		
DESIGN	Capo		

09/16/20 CHANGES JEG
11/12/20 SQFT ADJUSTMENT BY
JEG

CONCEPTUAL DESIGN ONLY FINAL
DIMENSIONS DETERMINED AT
PRODUCTION.

ALL DESIGNS ARE PROPERTY OF AND FOR
THE SOLE USE OF CND SIGNS. CND SIGNS
RETAINS RIGHTS TO ALL ARTWORK,
DESIGNS AND LAYOUTS UNTIL FURTHER
ARRANGEMENTS ARE MADE IN A
WRITTEN CONTRACTUAL AGREEMENT.
CND SIGNS DOES NOT HESITATE TO
PROSECUTE FOR UNAUTHORIZED
REPRODUCTION OF ITS DESIGNS UPON
DISCOVERY THAT A DESIGN HAS BEEN
SHARED, RECREATED OR REPRODUCED
WITHOUT APPROPRIATE PERMISSIONS.

A/ DOUBLE SIDED MONUMENT SIGN

FONT: BLAIR MD ITC / PRESICAV REG.
SQ. FOOTAGE: 109.2
SCALE: 1/8"=1'-0"

SCOPE OF WORK: FABRICATE AND INSTALL **ONE**) MONUMENT SIGN TO SPECIFICATIONS

- WELDED SQUARE TUBE FRAME
- .090 ALUMINUM CABINET FINISHED MP 02653 MEDICI IVORY STUCCO
- **EAGLE CENTER**
- 1/2" PUSH THRU WHITE MILKY WHITE ACRYLIC LETTERS
- **TENANT PANELS**
- .090 ALUMINUM CABINETS FINISHED FAUX CORTEN STEEL WITH ROUTED
OUT LETTERS BACKED WITH WHITE TRANSLUCENT ACRYLIC
- WHITE LED ILLUMINATION
- **4611**
- 1/4" FLAT CUT OUT NUMBERS FINISHED IN MP DARK BONZE WITH
.063 ALUMINUM BACK PLATE FINISHED IN MP WHITE MOUNTED ON TOP
OF CABINET
- LANDSCAPE BY OTHERS
- POLE AND FOUNDATION PER ENGINEERING

MINIMUM ELECTRICAL REQUIREMENTS:

ONE (1) 120V 20A DEDICATED CIRCUITS WITHIN 6' OF SIGN, INSTALLED BY OTHERS



MP DARK BRONZE 20190



MP02653 MEDICI IVORY



EXISTING



PROPOSED



NIGHT VIEW

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Rd.
West Lake Hill,
TX 78746

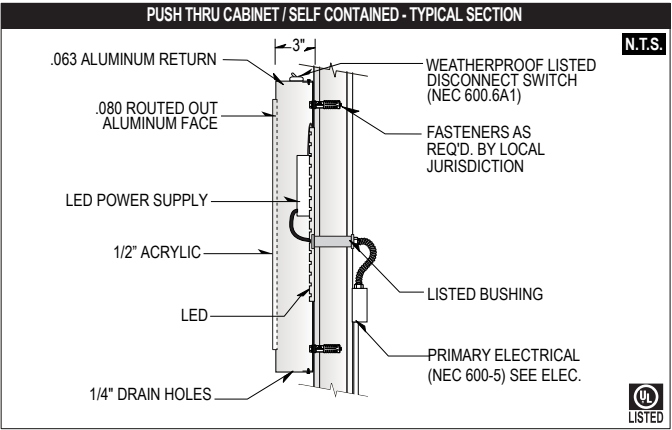
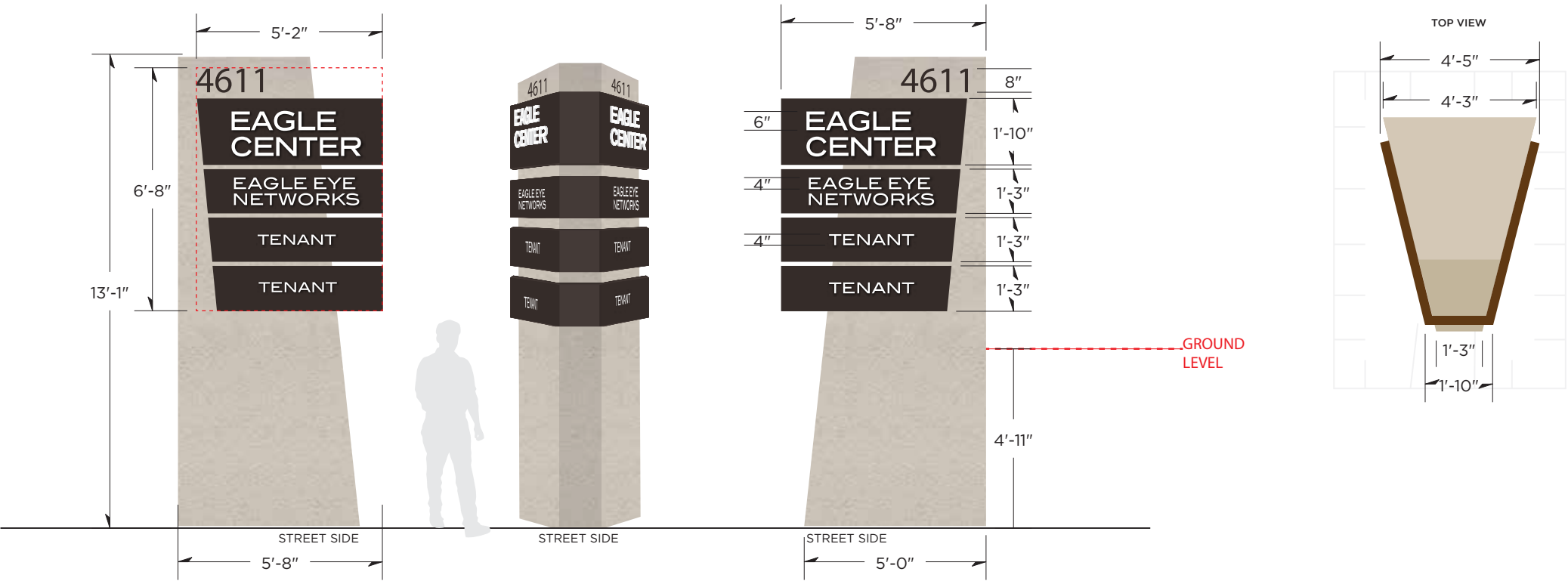
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SCALE: 1/4"=1'-0"



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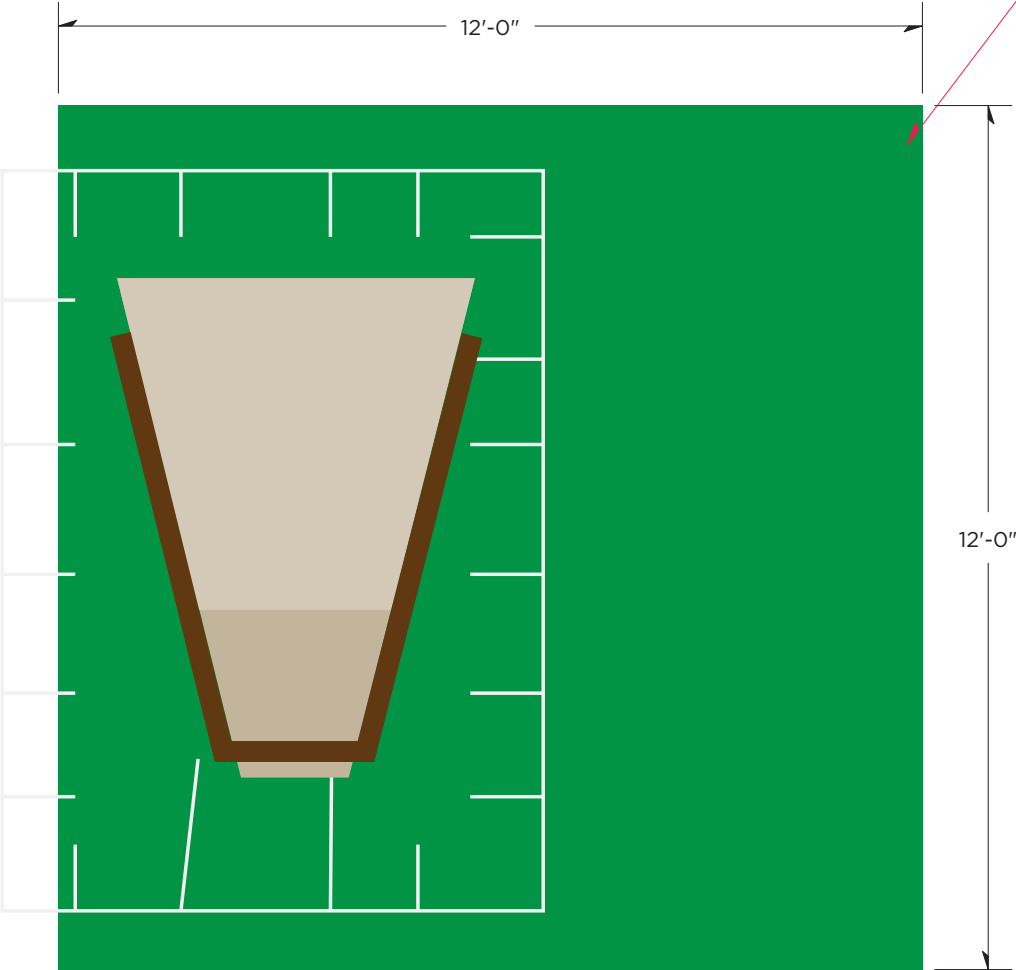
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LANDSCAPE AREA OF 120' SQFT SURROUNDING
BASE OF SIGN AREA



ASIAN JASMINE GROUND COVER

SCALE: 3/8"=1'-0"



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GROUND LEVEL REFERENCE

VISIBLE AREA
FROM THE HIGHWAY
SQFT 36

GROUND LEVEL

EXISTING SIGN
SQFT 26.81





EAGLE CENTER

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A / VARIANCE PHOTOS



FROM MIDDLE LANE



FROM LEFT LANE



FROM RIGHT LANE





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WEST BOUND



EAST BOUND

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DAMAGED SIGN

NEIGHBORS PROPERTY

PROPERTY DESCRIPTION:

BEING LOT 1, AMENDED PLAT OF LOTS 3 AND 4 LOMA GRACIOSA SUBDIVISION
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO.
200100148, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

THIS PROPERTY IS NOT AFFECTED BY THE FOLLOWING:
(100)-EASEMENT VOL. 3078, PG. 2115, D.R.C.T., AS AFFECTED BY PARTIAL RELEASE
VOL. 10942, PG. 1044, & VOL. 11021, PG. 1302, R.P.R.C.T.
THIS PROPERTY IS AFFECTED BY THE FOLLOWING:
(100)-AGREEMENT VOL. 11021, PG. 298, R.P.R.C.T.
(100)-AGREEMENT VOL. 10221, PG. 298, R.P.R.C.T.
(100)-AGREEMENT VOL. 11884, PG. 115, R.P.R.C.T.
THREE STORY STUCCO AND STONE EXTENDS BEYOND BOTH SIDE 25' BUILDING LINES
AND THE REAR 40' BUILDING LINE AS SHOWN.

FLOOD INFORMATION:
FEMA NOTE
THE SUBJECT PROPERTY DOES NOT APPEAR TO BE WITHIN THE LIMITS OF A 10-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 4845300401H, DATED SEPTEMBER 28, 2006.

THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THAT THE SURVEY REFLECTS A TRUE AND CORRECT REPRESENTATION AS TO THE DIMENSIONS AND CALLS OF PROPERTY LINES; LOCATION AND TYPE OF IMPROVEMENTS, THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE PERSON WAIVED PROFESSION FROM AND FOR THE PERSONS WHOSE INTERESTS ARE BEING SERVED BY THIS SURVEY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE NUMBER SHOWN ON THE DRAWING PROVIDED BY THE TITLE COMPANY, WAIVER THEREOF AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON.

GENERAL NOTES

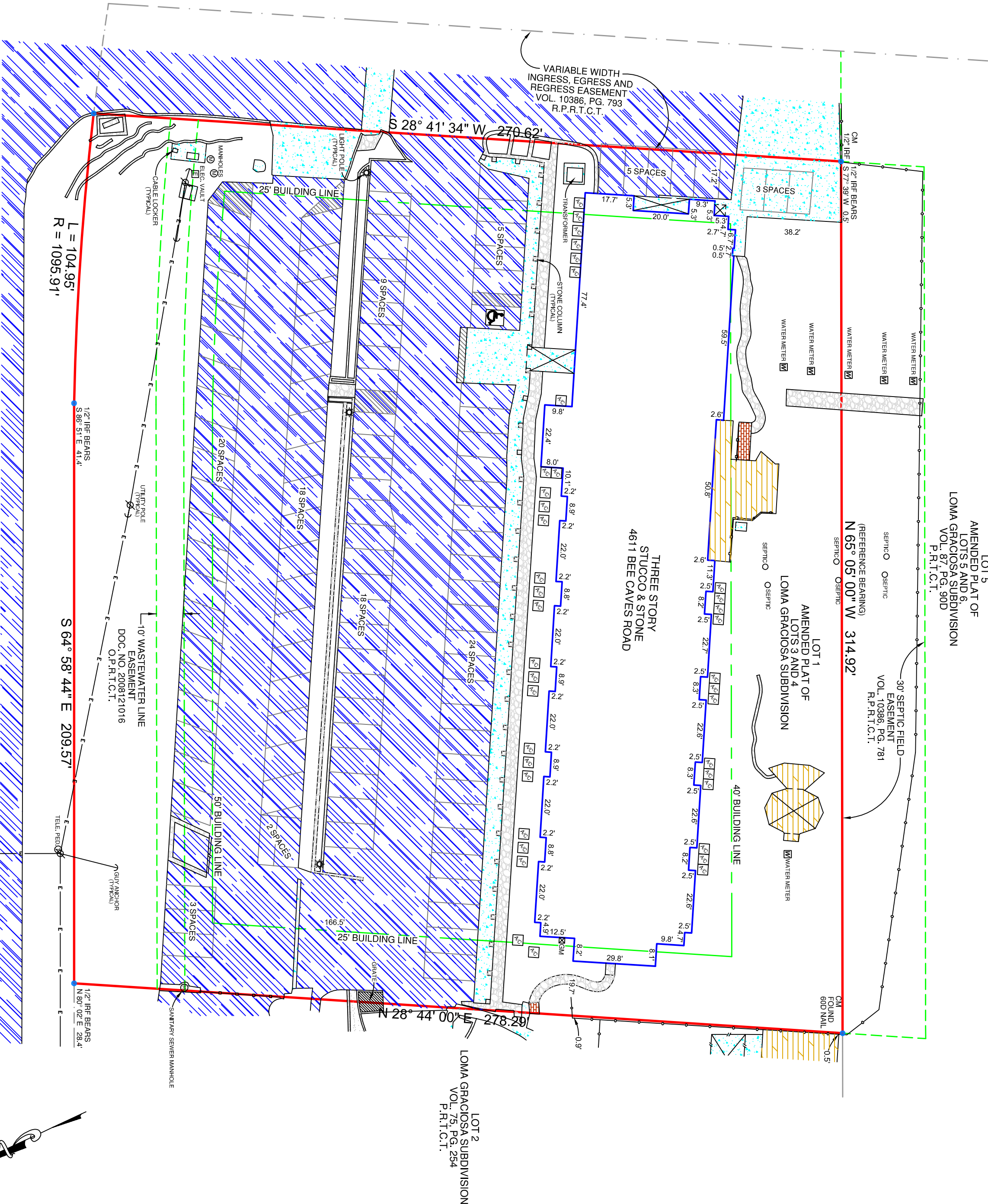
- 1) THE BASIS OF BEARINGS FOR THIS SURVEY WAS DERIVED FROM DATA PROVIDED ON THE RECORDED PLAT.
- 2) THERE ARE NO VISIBLE CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN. ENCUMBRANCES MAY BE SHOWN BY THE PLAT.
- 3) THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE NAMED CLIENT, MORTGAGE COMPANY, TITLE COMPANY, OR OTHER, AND IS MADE PURSUANT TO THAT ONE CERTAIN TITLE COMMITMENT UNDER THE G-NUMBER LISTED HEREON.
- 4) AS OF THIS DATE, ALL EASEMENTS, RIGHTS-OF-WAY OR OTHER LOCAL MATTERS OF RECORD SHOWN ON NOTED HEREON WERE DERIVED FROM THE RECORDED PLAT, THE VESTING DEED, OR THE TITLE RECORD AND SUPPORTING DOCUMENTS. ALL SUCH ITEMS WERE OBTAINED DURING THE PREPARATION OF THIS SURVEY OR PROVIDED BY THE CLIENT. ANY OTHER EASEMENTS OR RIGHTS-OF-WAY NOTED HEREON WERE OBTAINED FROM THE PUBLIC RECORDS. THIS SURVEY DOES NOT COVER SUCH ITEMS AND HAS MADE NO ATTEMPTS TO OBTAIN OR SHOW ANY ADDITIONAL RESTRICTIONS ON OR NEAR THIS PROPERTY PUT IN PLACE BY LOCAL MUNICIPALITIES OR ASSOCIATIONS.
- 5) THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
- 6) THIS SURVEY IS NOT INTENDED TO ADDRESS OR IDENTIFY WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE OR ANY OTHER ENVIRONMENTAL OR GEOLOGICAL ISSUE.
- 7) THE EXISTING UTILITIES DESCRIBED HEREON ARE BASED ON FIELD LOCATION OF VISIBLE ABOVE GROUND UTILITIES. UTILITIES NOT SHOWN ON THIS SURVEY MAY BE LOCATED BELOW GROUND. THIS SURVEY PRESENTS SURVEYING IS NOT CONSIDERATION FOR THE EXACT LOCATION OF SUBSURFACE UTILITIES, NOR FOR ANY DAMAGES BY ANY CONTRIBUTION OR EXCAVATION ON OR NEAR SAID UTILITIES.
- 8) SYMBOLS AS SHOWN IN THE LEGEND ARE NOT TO SCALE AND MAY HAVE BEEN MOVED FROM THE ACTUAL HORIZONTAL LOCATION FOR CLARITY.

TITLE SURVEY

GF#: 1505923-COM
BORROWER:

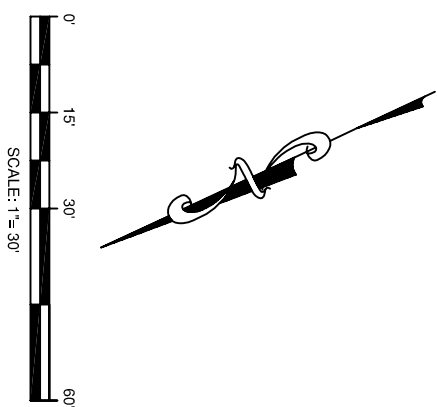
4611 BEE CAVES ROAD
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

PREMIER JOB #: 13-01811	
TECH: MSP	DATE: 03/30/15
FIELD: MJ	FIELD DATE: 03/30/15



BEE CAVES ROAD

(F. M. 2244)
(100' R.O.W.)



CONCRETE	WOOD FENCE
BRICK	CHAIN LINK FENCE
ASPHALT	WROUGHT IRON FENCE
WOOD	WIRE FENCE
STONE	R. R. TIE RETAINING WALL
GRAVEL	BRICK WALL
COVERED AREA	STONE WALL
M = CONTROLLING MOVEMENT	OVERHEAD TELEPHONE LINE
	OVERHEAD ELECTRIC LINE
	IRF = IRON ROD FOUND
	IRS = IRON ROD SET
	MFPC = METAL FENCE COR POST
	WFCF = WOOD FENCE COR POST



Premier
Surveying LLC
5700 W. Plano Parkway
Suite 2700
Plano, Texas 75093
Office: 972-612-3601
Fax: 972-964-7021

