



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, December 9, 2020 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 9th day of December 2020 at 7:00 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

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

The public may participate in this meeting by dialing in to the following toll free number: (346) 248-7799, Meeting ID 881 6445 4773, Password: 724389

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to citysec@westlakehills.org by 1:00 P.M. on December 9, 2020

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing citysec@westlakehills.org. Comments must be received by 1:00 P.M. on December 9, 2020

1. Call to Order
2. Citizen Communications The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each
3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen

- a. Approval of the November 11, 2020 Regular Meeting Minutes
 - b. **9 Rocky River Cove:** Adopt an Ordinance for a Special Use Permit Request to Allow the Construction of a Guest Quarters/Pool Pavilion Located on a Property Zoned R – 1 – One-Family Residential. (West Lake Hills Code Sec. 38.03.032 and Article 38.04). Applicant/Owner Todd Hasie
4. **Land Use 310 Westhaven Drive:** Discuss and Consider Action on a Request for Two (2) Variances to Remodel an Existing Nonconforming Cabana:
 - 1) Building Setback Encroachment
 - 2) Exceed Maximum Allowed Impervious Cover.(West Lake Hills Code Sec. 22.03.281). Applicants/Owners Andrew Schwartz and Sylvia Arabian.
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
5. **Land Use 416 Ridgewood:** Discuss and Consider Action 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. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
6. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the December 9, 2020 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, December 4, 2020 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Stephanie Mills, City Secretary

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

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

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

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

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:08 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Jim O'Connor, Councilmembers Brian Plunkett and Beth South Councilmembers Rhonda McCollough and Darin Walker were absent at roll call

2. Citizen Communications The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each

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

3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen
- a. Approval of the October 14, 2020 Regular Meeting Minutes

**Motion for Approval made by Mayor Pro Tem O'Connor with a Second by Councilmember South
Motion for Approval carried unanimously by a vote of 3 ayes to 0 nays, with Councilmembers Walker and McCollough absent**

4. Ordinance 4015 Bee Cave Road: Discuss and Consider Action to Adopt an Ordinance for a Special Use Permit Request to Allow the Operation of a Preschool Located on a Property Zoned B – 1 Business 1. (West Lake Hills Code Sec. 38.03.036(c)(2)). Applicant Bryan Denney – Trinity Episcopal School
- a. Public Hearing: All persons wishing to speak for or against shall be heard.

**Applicant Bryan Denney, and Jennifer Morgan spoke on this item
Motion for the Adoption of an Ordinance made by Councilmember South with a Second by Mayor Pro Tem O'Connor
Motion for Adoption carried unanimously by a vote of 4 ayes to 0 nays, with Councilmember Walker joining and Councilmember McCollough absent**

5. **Land Use 409 Ledgeway Ridge:** Discuss and Consider Action on a Variance Application with Five (5) Variance Requests in order to Construct a New Residence:
- 1) Roof overhang setback encroachment on east side of house
 - 2) Roof overhang setback encroachment on west side of house
 - 3) & 4) Two (2) retaining walls encroaching into the setbacks
 - 5) Landscape arbor encroaching the front setback
- (West Lake Hills Code Sec. 22.03.170). Owners Jim and Laura McBride/Applicant Kyle McCollum

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

No action was taken on this item, as it was withdrawn by the applicant

6. Adjournment

Motion to adjourn the meeting made at 7:25 pm by Councilmember Walker with a Second by Councilmember South
Motion carried unanimously by a vote of 4 ayes to 0 nays, with Councilmember McCollough absent

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2020.



SPECIAL USE PERMIT (SUP) STAFF REPORT

DECEMBER 9, 2020

Project Address: 9 Rocky River Cove

Project Number: 16273

Agenda Item: 9 Rocky River Cove: Discuss and Consider Action to Adopt an Ordinance for a Special Use Permit Request to Allow the Construction of a Guest Quarters/Pool Pavilion Located on a Property Zoned R – 1 – One-Family Residential. (West Lake Hills Code Sec. 38.03.032 and Article 38.04). Applicant/Owner Todd Hasie

Applicant Information: Todd Hasie

Hearing Dates:

December 9, 2020 Board of Adjustment

Requested Action: Special Use Permit to construct a guest quarters on a residential property.

Location: The property is located east of Westlake Drive, west of Rocky River Road, and south of Redbud Trail.

Zoning & Site Characteristics: The subject property and adjacent properties are zoned R – 1 – One-Family Residential. The subject property is approximately 1.0859 acres, and is located in the Edwards Aquifer Recharge Zone.

Background & Analysis:

The homeowner, Todd Hasie, wishes to construct a guest quarters to accommodate overnight guests and family. The structure will be designed in a way to avoid disruption of natural features on the lot, including creek run-off features and a natural creek valley. The guest quarters would include one multi-purpose room, a bathroom, two closets, and a deck. The proposed square footage is 798sf, just under the maximum permitted 800sf for guest quarters.

Should the Board of Adjustment approve the requested SUP, the homeowners will then submit a building permit application for the construction of the SUP.

SUP Criteria & Analysis:

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

- The proposed size meets the Code which allows a maximum of 800sf for guest quarters and is compatible with neighboring residential properties.
- (2) The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;
- The proposed employee quarters should not have a negative impact on the value of surrounding homes.
- (3) The proposed use will not create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business;
- The proposed use will not interfere with neighbors' enjoyment of their properties. It is designed for private use by the homeowner and visiting guests and family.
- (4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create or add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and
- The traffic impact is minimal as it is designed to accommodate visiting guests and family members.
- (5) The proposed use shall comply with all other applicable ordinances and regulations.
- A building permit will need to be submitted to the City for review prior to construction. Staff will review for compliance with all applicable rules and regulations prior to issuing the permit.

Traffic/Transportation

There may be a localized impact on traffic during the construction process in addition to the occasional visitor after the project is completed.

Lighting

If applicable, outdoor lighting will be reviewed at a later time with the building permit application.

Building Code

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

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

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

Staff Recommendation:

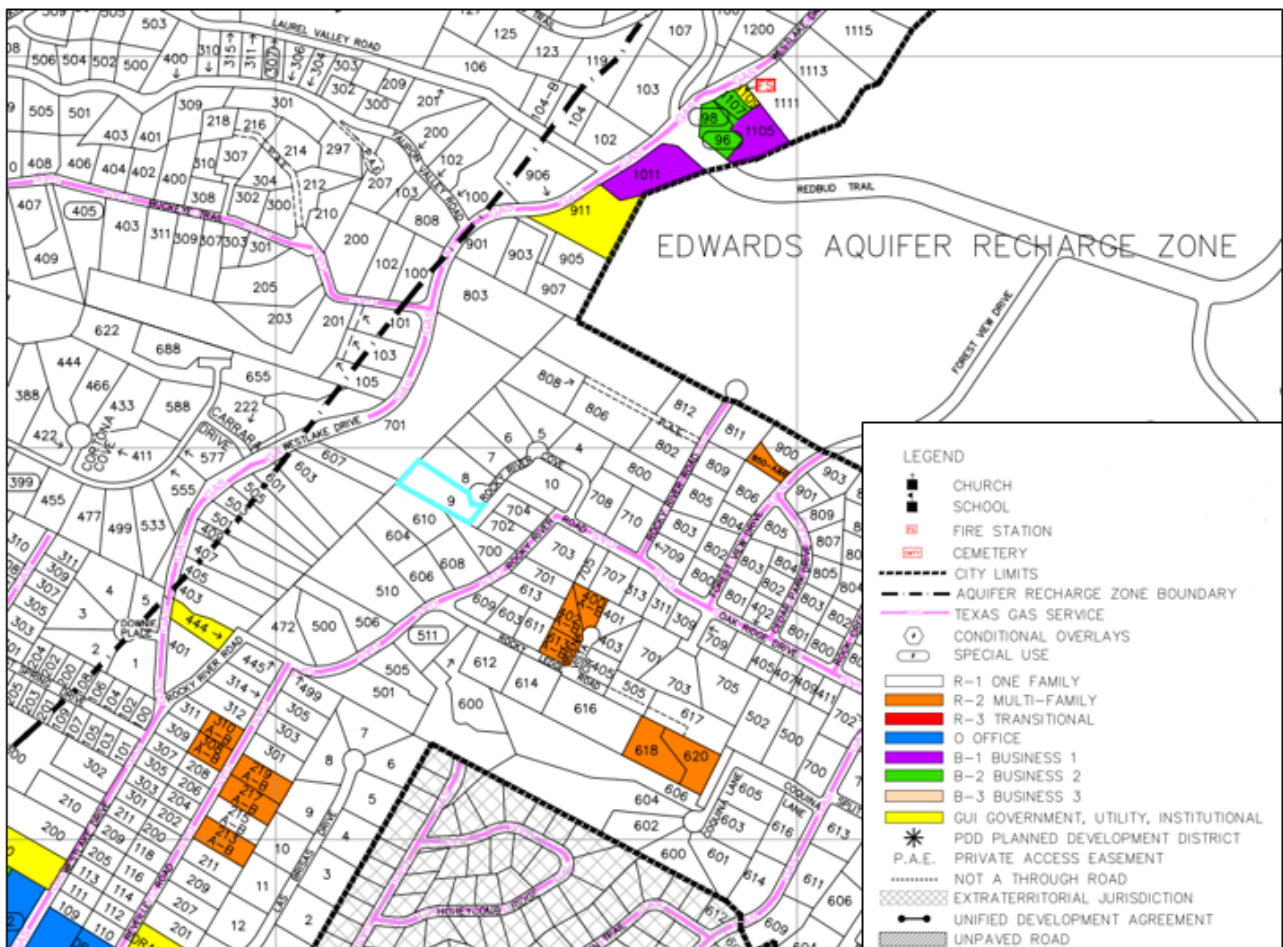
Staff recommends approval. The application as presented meets City Code requirements.

Links to Relevant Code:

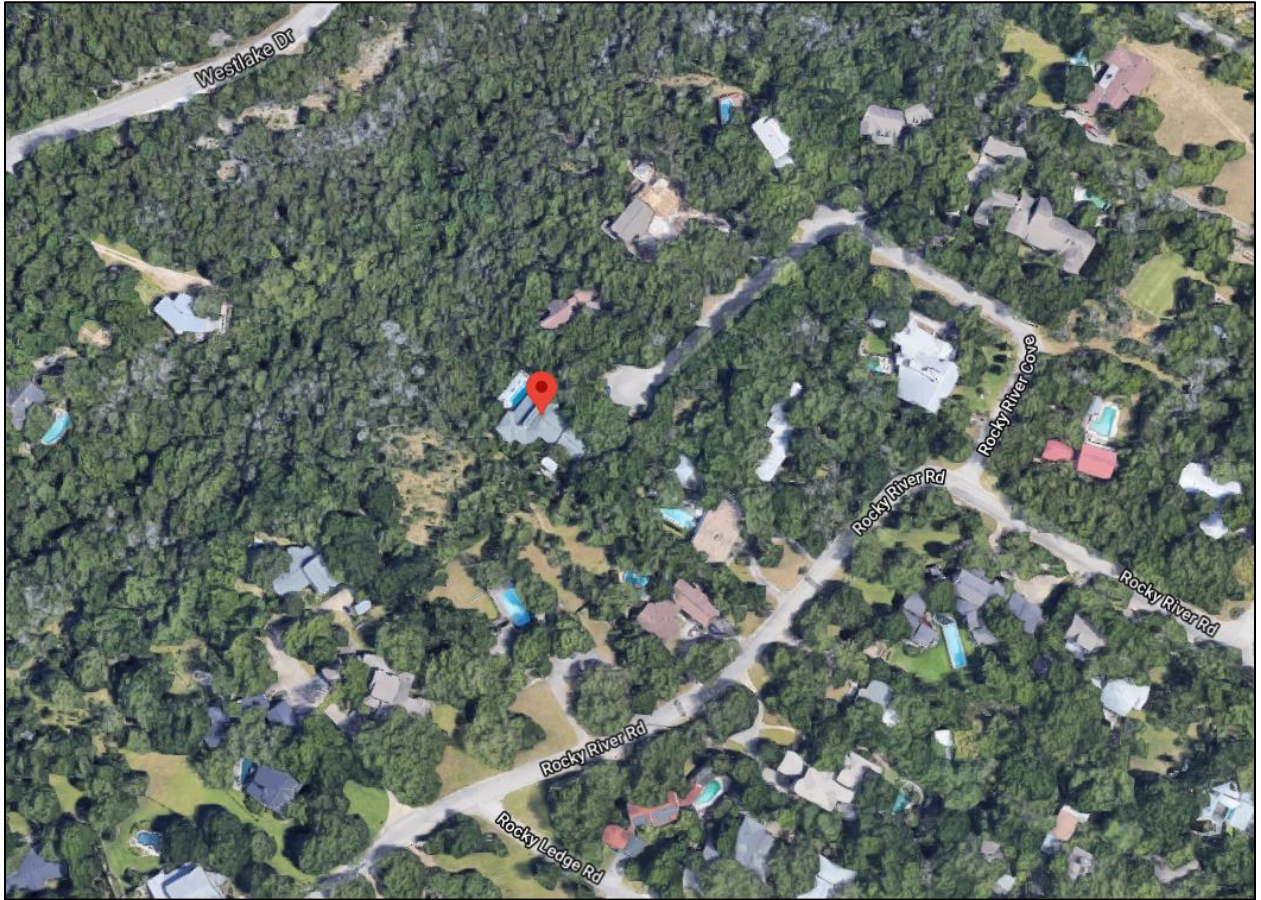
- [Sec. 1.01.003 Definitions and rules of construction](#) (refer to *Guesthouse* definition)
- [Sec. 38.03.032 R-1 one-family residential district](#)
- [Sec. 38.04.031 Criteria for establishment of special use categories; uses allowed in specific districts](#)
- [Sec. 38.04.032 Special use permit](#)
- [Sec. 38.04.033 General criteria applicable to all special uses](#)
- [Sec. 38.04.035 General conditions for all special uses](#)

(Maps to follow)

Zoning:



Aerial:



11-12-2020

Todd Hasie
9 Rocky River Cove.
Westlake Hills, Texas 78746

City of West Lake Hills
Zoning and Planning Commission /
Board of Adjustments
Attention: Mayor Linda Anthony,
Chairperson, Board of Adjustments
911 West Lake Hills Dr.
Westlake Hills, Texas 78746

**RE: Application for a Special Use Permit for an accessory structure, a Guest House, for the property at
9 Rocky River Cove, City of West Lake Hills, Texas**

Dear Mayor Anthony,

I am the owner of the property at 9 Rocky River Cove. I write this letter as part of my application before your Board to receive a special use permit to construct a single accessory structure for the private use of my family.

The structure will be a single-level, 798 SF air-conditioned space consisting of a large multipurpose room, a bathroom, and 2 closets. The large multipurpose room will be outfitted with a trundle bed to accommodate occasional overnight guests or visiting family. Attached to the structure will be an outdoor deck overlooking a dry creek that feeds into Little Bee Creek. The foundation of the structure will be steel piers supported by in-ground concrete footings so that the structure will be suspended above the natural grade of the existing lot and will not disrupt the shape of natural creek valley walls and rain or creek run-off features. My architect and builder will procure the engineering showing any impact on the creek and natural features, and any TCEQ assessments, as required by the City of West Lake Hills, and as necessary to produce a project with minimum impact on the natural features of the site.

The structure will not be used as a rental unit, and will be solely used by me and my family for personal use, or for overnight stays of personal guests or visiting family.

Please let me know if we need to provide any more documentation of our intentions to construct this structure. And thank you for consideration for the issuance of a Special Use Permit.

Best,

Todd Hasie



Mobile: (512)658-8001

SPECIAL USE PERMIT APPLICATION



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

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

APPLICANT INFORMATION

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

Property Owner: Todd Hasie Phone: 512 658-8001

Email: [REDACTED]

Address: 9 Rocky River Cove City: Westlake Hills State: Tx Zip: 78746

Agent*: N/A Phone: _____

Email: _____

Address: _____ City: _____ State: _____ Zip: 78746

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

PROJECT INFORMATION

Property Address: 9 Rocky River Cove

Subdivision Name: Rocky River Cove (Lot 9)

Block: _____ Lot: 9 Tax Parcel ID: 113227

Current Zoning Classification: R-1, City of Westlake Hills Total Lot Area: 1.0859 acres

Proposed Special Use: Guest House Applying for Variance ☐ Yes ☒ No
(if yes, please submit separate variance application)

Name of Business (if applicable): N/A

Hours of Operation: N/A Duration of Use: N/A

Present Land Use: Single Family Residential



SPECIAL USE PERMIT APPLICATION

Brief description of proposed project:

798 SF, Stand-alone structure to be used as a private Guest House and entertainment area

for the property owner. Structure will include one multi-purpose room, a bathroom, 2 closets

and a viewing deck. Foundation will be steel piers to concrete footings to minimize impact on natural features

of site and creek valley.

AUTHORIZATION & ACKNOWLEDGEMENT

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



Signature


Date

Todd Hasie

Printed Name

APPLICATION CHECKLIST

Special Use Permit Application Checklist

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



SPECIAL USE PERMIT APPLICATION

SPECIAL USE PERMIT PROCESS & PROCEDURES

Public Hearings

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

Public Notices

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

Application Deadlines

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

SUP Review Criteria

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

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Newspaper notice deadline: _____ Publication Date: _____

Date of Board of Adjustment Meeting: _____

Board of Adjustment Action: _____

Notes:



A. SETTLEMENT STATEMENT (HUD-1)

B. Type of Loan

1. ☐ FHA	2. ☐ RHS	3. ☒ Conv. Unins.	6. File Number: [REDACTED]	7. Loan Number: [REDACTED]	8. Mortgage Insurance Case Number:
4. ☐ VA	5. ☐ Conv. Ins.				
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals. (AUT15002957/ 33)					
D. Name and Address of Borrower: Todd Hasie 9 Rocky River Cove West Lake Hills, TX 78746		E. Name and Address of Seller:		F. Name and Address of Lender: SWBC Mortgage Corporation 9311 San Pedro #100 San Antonio, TX 78216	
G. Property Location: 9 Rocky River Cove West Lake Hills, TX 78746 Travis County, Texas Lot(s): 9, ROCKY RIVER COVE		H. Settlement Agent: Austin Title Company 1717 W. 6th Street, Suite 105 Austin, TX 78703 Place of Settlement: Austin Title Company Austin Title Company (512)329-0777 1717 W. 6th Street, Suite 105 Austin, TX 78703		I. Settlement Date: April 15, 2015 Disbursement Date: April 20, 2015 Funding Date: April 20, 2015	

J. Summary of Borrower's Transaction	K. Summary of Seller's Transaction
100. Gross Amount Due from Borrower	400. Gross Amount Due to Seller
101. Contract sales price	401. Contract sales price
102. Personal property	402. Personal property
103. Settlement charges to borrower (line 1400)	403.
104. Payoff First Lien Mortgage to FIRSTMARK CREDIT L	404.
105.	405.
Adjustments for items paid by seller in advance	Adjustments for items paid by seller in advance
106. City/Town taxes	406. City/Town taxes
107. County taxes	407. County taxes
108. Assessments	408. Assessments
109.	409.
110.	410.
111.	411.
112.	412.
120. Gross amount due from Borrower	420. Gross amount due to Seller
200. Amounts Paid by or in Behalf of Borrower	500. Reductions in Amount Due to Seller
201. Deposit or earnest money	501. Excess deposit (see instructions)
202. Principal amount of new loan(s)	502. Settlement charges to seller (line 1400)
203. Existing loan(s) taken subject to	503. Existing loan(s) taken subject to
204.	504. Payoff of first mortgage loan
205.	505. Payoff of second mortgage loan
206.	506.
207.	507.
208.	508.
209. Seller Credit for OTP	509. Seller Credit for OTP
Adjustments for items unpaid by seller	Adjustments for items unpaid by seller
210. City/Town taxes	510. City/Town taxes
211. County taxes	511. County taxes
212. Assessments	512. Assessments
213.	513.
214.	514.
215.	515.
216.	516.
217.	517.
218.	518.
219.	519.
220. Total paid by/for Borrower	520. Total reduction amount due Seller
300. Cash at Settlement from/to Borrower	600. Cash at Settlement from/to Seller
301. Gross amount due from Borrower (Line 120)	601. Gross amount due to Seller (Line 420)
302. Less amount paid by/for Borrower (Line 220)	602. Less reductions due Seller (Line 520)
303. CASH TO BORROWER	603. CASH TO/FROM SELLER

L. Settlement Charges					Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700. Total Real Estate Broker Fees \$0.00						
Division of commission (line 700) as follows:						
701.	to					
702.	to					
703. Commission paid at settlement						
704.						
800. Items Payable in Connection with Loan						
801.	Our origination charge	\$1,240.00	(from GFE #1)			
802.	Your credit or charge (points) for the specific interest rate chosen		(from GFE #2)			
803.	Your adjusted origination charges to SWBC Mortgage Corporation		(from GFE #A)	1,240.00		
804.	Appraisal fee to SWBC FBO RIVES VALUATION		(from GFE #3)	595.00		
805.	Credit report to SWBC FBO CREDCO		(from GFE #3)	25.71		
806.	Tax service		(from GFE #3)			
807.	Flood certification to SWBC FBO CORELOGIC		(from GFE #3)	10.50		
808. Attorney Doc Prep Fee \$190.00 to Polunsky & Beitel Green LLP						
809.						
810.						
811.						
900. Items Required by Lender to be Paid in Advance						
901.	Interest from 04/20/15 to 05/01/15 to SWBC Mortgage Corporation @ \$76.04110/d (from GFE#10)			836.45		
902.	Mortgage insurance premium for month to		(from GFE #3)			
903.	Homeowner's insurance for 1.0 year to	Kemper, A Unitrin Business	(from GFE #11)	3,206.00		
904. for year to						
905.						
1000. Reserves Deposited with Lender						
1001.	Initial deposit for your escrow account		(from GFE #9)			
1002.	Homeowner's insurance	Months @ \$ per Month				
1003.	Mortgage insurance	Months @ \$ per Month				
1004.	Property taxes	Months @ \$ per Month				
1005.		Months @ \$ per Month				
1006.		Months @ \$ per Month				
1007.		Months @ \$ per Month				
1008. Aggregate Adjustment						
1100. Title Charges						
1101.	Title services and lender's title insurance to Austin Title Company	(from GFE #4)	See additional 1101 items	5,718.15		
1102.	Settlement or closing fee to Austin Title Company	\$275.00	Escrow Fee			
1103.	Owner's title insurance	(from GFE #5)	See additional 1103 items			
1104.	Lender's title insurance to Austin Title Company	\$5,355.15	See additional 1104 items			
1105.	Lender's title policy limit	\$854,000.00				
1106. Owner's title policy limit						
1107.	Agent's portion of the total title insurance premium to Austin Title Company	\$4,551.88				
1108.	Underwriter's portion of the total title insurance premium to Alamo Title Insurance	\$803.27				
1109.						
1110.						
1111.						
1112.						
1113.						
1114.						
1115.						
1116.						
1200. Government Recording and Transfer Charges						
1201.	Government recording charges to Travis County Clerk		(from GFE #7)	132.00		
1202. Deed \$; Mortgage \$ 94.00; Releases \$						
1203. Transfer taxes to Travis County Clerk			(from GFE #8)			
1204.	City/County tax/stamps	Deed \$; Mortgage \$				
1205.	State tax/stamps	Deed \$; Mortgage \$				
1206. Texas Equity Affidavit & Agreement \$38.00						
1300. Additional Settlement Charges						
1301.	Required services that you can shop for		(from GFE #6)			
1302. Survey						
1303. Home Buyer's Protection Plan						
1304. Taxes						
1305.						
1306.						
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)				11,763.81	0.00	

*Paid outside of closing by borrower (B), seller (S), lender (L), third-party (T)

Comparison of Good Faith Estimate (GFE) and HUD-1 Charges			
Charges That Cannot Increase	HUD-1 Line Number	Good Faith Estimate	HUD-1
Our origination charge	# 801	1,240.00	1,240.00
Your credit or charge (points) for the specific interest rate chosen	# 802	0.00	0.00
Your adjusted origination charges	# 803	1,240.00	1,240.00
Charges That In Total Cannot Increase More Than 10%		Good Faith Estimate	HUD-1
Government recording charges	# 1201	130.00	132.00
Appraisal fee	# 804	550.00	595.00
Credit report	# 805	32.00	25.71
Flood certification	# 807	10.50	10.50
Total		722.50	763.21
Increase between GFE and HUD-1 Charges		\$ 40.71 or	5.63 %
Charges That Can Change		Good Faith Estimate	HUD-1
Daily interest charges	# 901 \$76.04110/day	836.45	836.45
Homeowner's insurance	# 903	0.00	3,206.00
Title services and lender's title insurance	# 1101	6,645.00	5,718.15

Loan Terms

Your initial loan amount is	\$ 854,000.00
Your loan term is	30.00 years
Your interest rate is	3.25000 %
Your initial monthly amount owed for principal, interest and any mortgage insurance is	\$ 3,716.66 includes ☒ Principal ☒ Interest ☐ Mortgage Insurance
Can your interest rate rise?	☒ No ☐ Yes, it can rise to a maximum of % . The first change will be and can change again every after . Every change date, your interest rate can increase or decrease by % . Over the life of the loan, your interest rate is guaranteed to never be lower than % or higher than %
Even if you make payments on time, can your loan balance rise?	☒ No ☐ Yes, it can rise to a maximum of \$
Even if you make payments on time, can your monthly amount owed for principal, interest, and mortgage insurance rise?	☒ No ☐ Yes, the first increase can be and the monthly amount owed can rise to \$. The maximum it can ever rise to is \$
Does your loan have a prepayment penalty?	☒ No ☐ Yes, your maximum prepayment penalty is \$
Does your loan have a balloon payment?	☒ No ☐ Yes, you have a balloon payment of \$ due in years on
Total monthly amount owed including escrow account payments	☒ You do not have a monthly escrow payment for items, such as property taxes and homeowners insurance. You must pay these items directly yourself. ☐ You have an additional monthly escrow payment of \$ that results in a total initial monthly amount owed of \$. This includes principal, interest, any mortgage insurance and any items checked below: ☐ Property taxes ☐ Homeowner's insurance ☐ Flood insurance

Note: If you have any questions about the Settlement Charges and Loan Terms listed on this form, please contact your lender.

HUD-1, ATTACHMENT

Settlement Date: April 15, 2015

Disbursement Date: April 20, 2015

Settlement Agent: Austin Title Company
(512)329-0777

Escrow no.: AUT-60-980-AUT15002957

Escrow Officer: Pamela Beauchamp

Place of Settlement: Austin Title Company
(512)329-0777
1717 W. 6th Street, Suite 105
Austin, TX 78703

Borrower : Todd Hasie
9 Rocky River Cove
West Lake Hills, TX 78746

Lender : SWBC Mortgage Corporation
9311 San Pedro #100
San Antonio, TX 78216

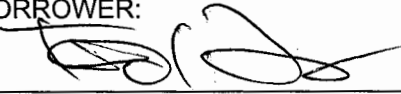
Property: 9 Rocky River Cove
West Lake Hills, TX 78746
Travis County, Texas
Lot(s): 9, ROCKY RIVER COVE

Title Services		
Description	Borrower	Seller
Line 1101 Detail -		
Payee: Austin Title Company		
Title services and lender's title insurance		
Title services and lender's title insurance - Courier/ Overnight	30.00	
Delivery Fe		
Title services and lender's title insurance - eRecording	8.00	
Payee: AVS Tax Service LLC		
Title services and lender's title insurance - Tax Certificate	50.00	
Line 1101 Total:	88.00	
Line 1102 Detail -		
Payee: Austin Title Company		
Escrow Fee	275.00	
Line 1102 Total:	275.00	
Line 1104 Detail -		
Payee: Austin Title Company		
Lender's title insurance	3,789.55	
T-30 Amendment of Tax Exception (T-30, T-3 or deletion)	20.00	
Not Yet Due and Payable Tax Amendment	5.00	
T-36 Environmental Protection Lien Endorsement	25.00	
T-19 Restrictions, Encroachments, Minerals Endorsement	252.60	
(Residential Mtg) - 2014		
T-42 Equity Loan Mtg End - 2014	505.20	
T-42.1 Supplemental Coverage Equity Loan Mortgage End - 2014	757.80	
T-19.2 Minerals and Surface Damage Loan Policy Endorsement (Eff. 11/1/09)		
Line 1104 Total:	5,355.15	
Total Title Services:	5,718.15	

Payoffs		
Payee/Description	Borrower	Seller
FIRSTMARK CREDIT UNION	594,243.45	
Payoff First Lien Mortgage		
Loan Payoff	0.00	
Total Payoff	594,243.45	

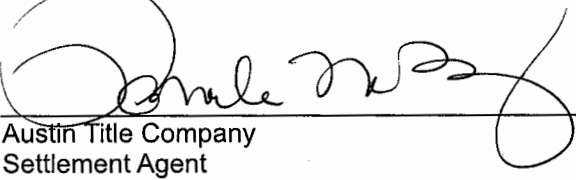
I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

BORROWER:

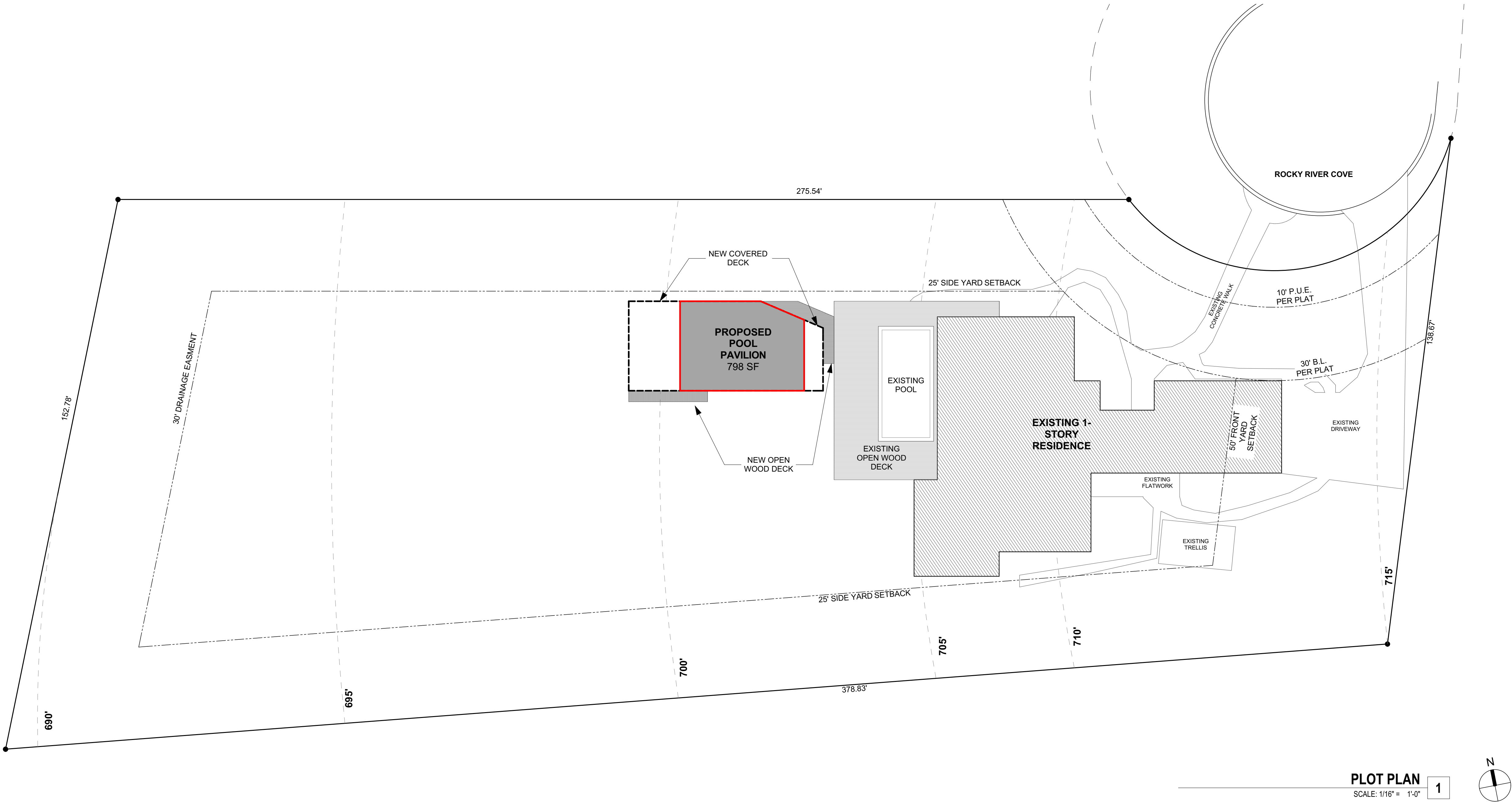


Todd Hasie

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause funds to be disbursed in accordance with this statement.


Austin Title Company
Settlement Agent

11/12/2020 9:50 AM, Z:\WORK\1 PROJECTS\1908.00 HASIE - POOL HOUSE PAVILION\1
Design\Architecture\A Active\Sub\HASIE-POOL PAVILION\SD-6.rvt



IMPERVIOUS COVER CALCULATIONS

SITE AREA	47,299.86 SF
ALLOWABLE IMP. COVER %	20%
ALLOWABLE IMP. COVER SF	9,459.9 SF
EXISTING:	
100% IMP.-BUILDING MASS	4,539 SF
100% IMP.-FLATWORK	2,368 SF
100% IMP.-AC PADS	18 SF
100% IMP.-POOL COPING	83 SF
50% IMP.-OPEN WOOD DECK	341.5 SF
ADDITIONAL:	
100% IMP.-BUILDING MASS	1,231 SF
50% IMP.-OPEN WOOD DECK	78.5 SF
TOTAL IMP. COVER USED	8,749 SF
USED IMP. PERCENTAGE	18.5%
REMAINING IMP. SF AVAILABLE	710 SF

HASIE-
Pool Pavilion

project info:

physical:
9 Rocky River Cove
Westlake Hills, TX 78746

owner:
Todd Hasie +
Kendall Hasie

contractor:
Chris Helms, GSH Construction Services LLC
225 S Commons Ford Rd.
Austin, TX 78733

structural engineer:
#Engineer Name
#Engineer Address1
#Engineer Address2

phase info:

set: Conform Set
IN PROGRESS

date: 11.12.2020

revisions:

IN PROGRESS
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SCALE. SCALES TO BE VERIFIED THROUGH
MEASUREMENT.

drawing info:

sheet:

PLOT PLAN

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physical:
9 Rocky River Cove
Westlake Hills, TX 78746

owner:
Todd Hasie +
Kendall Hasie

contractor:	Chris Helms, CSH Construction Services LLC 225 S Commons Ford Rd. Austin, TX 78733
structural engineer:	#Engineer Name #Engineer Address1 #Engineer Address2

set: Conform Set
IN PROGRESS
date: 11.12.2020

revisions:

N PROGRESS

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SCALE - SCALE TO BE VERIFIED THROUGH
MEASUREMENT.

sheet

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SCALE: 1/32" = 1'-0"

1

1/15/2020 1:24 PM Z:\WORK\1 PROJECTS\10008\10 HASIE- POOL HOUSE PAVILION\ Design\Architecture\A Active\Sketch-HASIE-POOL PAVILION-SD-5.rvt



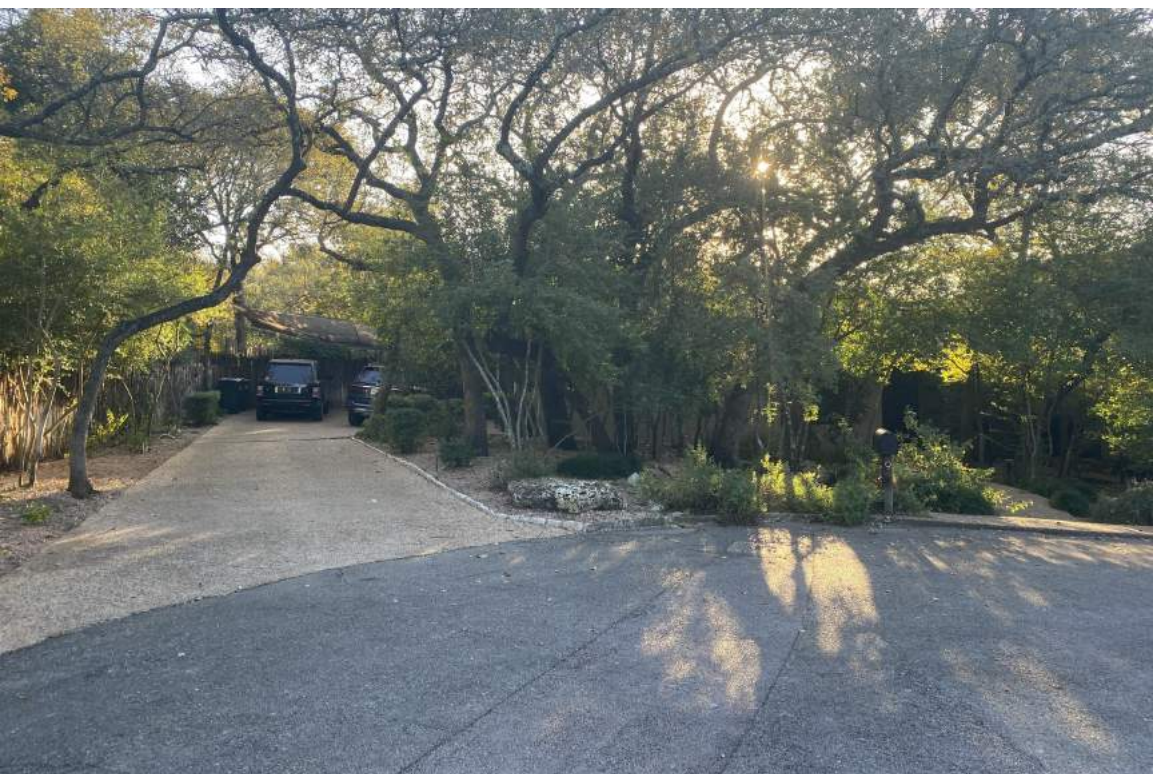
EXIST. CONDS.-NORTH-ENTRY
APPROACH
NTS 4



EXIST. CONDS.-EAST- WALKWAY
NTS 3



EXIST. CONDS.-EAST-GARAGE
NTS 2



EXIST. CONDS.-FROM STREET
NTS 1



EXIST. CONDS.-HOUSE FROM POOL
DECK
NTS 8



EXIST. CONDS.-POOL FROM COVERED
PORCH
NTS 7



EXIST. CONDS.-NORTH-STAIR TO POOL
DECK
NTS 6



EXIST. CONDS.-NORTH-ENTRY
APPROACH
NTS 5



EXIST. CONDS.-SOUTH-EXISTING
HOUSE
NTS 9



EXIST. CONDS.-WEST-HOUSE FROM
CANYON
NTS 9

HASIE-
Pool Pavilion

project info:	
physical:	9 Rocky River Cove Westlake Hills, TX 78746
owner:	Todd Hasie + Kendall Hasie
contractor:	Chris Helms, GSH Construction Services LLC 225 S Commons Ford Rd. Austin, TX 78733
structural engineer:	#Engineer Name #Engineer Address1 #Engineer Address2

phase info:	
set:	Conform Set
date:	11.5.2020
revisions:	
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drawing info:	
sheet:	PHOTOS - EXISTING CONDITIONS
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SPECIAL USE PERMIT 157-2020-I

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

WHEREAS, Todd Hasie, owners of the herein described parcel of land at 9 Rokcy River Cove, has requested a Special Use Permit for a guest quarters; and

WHEREAS, the notice as required by Section 38.04.032 of the West Lake Hills Code of Ordinances has been given to adjacent property owners; and

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

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

WHEREAS, the Board of Adjustment find that the application for Special Use Permit meets the requirements of Sections 38.03.032 and 38.04.031 of the West Lake Hills Code; and

WHEREAS, the Board of Adjustment at its Public Hearing finds that the Special Use Permit on the herein described parcel is not against the public interest;

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

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

Lot 9, Rocky River Cove.

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

1. The use shall not require change in the character or exterior appearance of the principal residential unit;

2. The Special Use shall not create a nuisances or otherwise interfere with any neighbor's reasonable enjoyment of the neighbor's property;

3. The Special Use shall not have an adverse effect on the value of surrounding properties nor impede their proper development;

4. No signs are permitted on the parcel except as permitted under the provisions of Chapter 32 of the West Lake Hills Code; and

5. A guesthouse cannot be used as a short-term rental; and

6. All representations, whether oral or written, made by the owner, or his agent, in support of a Special Use Permit are conditions upon which this permit is granted.

Article 3. The duration of this Special Use Permit shall be for two (2) years from the effective date hereon.

Article 4. This Special Use Permit may be renewed for two (2) year periods at the discretion of the City Administrator provided no written complaints have been received during the use period. When complaints have been registered, the applicant can seek renewal approval from the Board of Adjustment.

Article 5. This Special Use Permit for a guest quarters is granted to Todd Hasie, property owner, allowing a guest quarters at 9 Rocky River Cove.

Article 6. This Special Use Permit is not transferable to another person or another parcel of land.

Article 7. The Board of Adjustment after notice and Public Hearing, may revoke this Special Use Permit for one or more of the following reasons:

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

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

Article 9. The City Administrator is hereby authorized and shall promptly note the change on the Official Zoning Map of the City of West Lake Hills, Texas. The Zoning Map shall indicate that there is a Special Use Permit for 9 Rocky River Cove.

Article 10. This Special Use Permit shall become effective on the 9th day of December, 2020.

PASSED AND APPROVED this 9th day of December, 2020.

LINDA ANTHONY, CHAIRWOMAN
BOARD OF ADJUSTMENT
CITY OF WEST LAKE HILLS, TEXAS

ATTEST:

Stephanie Mills, City Secretary

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

Todd Hasie



NON-CONFORMING STRUCTURE VARIANCES STAFF REPORT

DECEMBER 9, 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.

Zoning & Planning Commission Recommendation

During the November 18, 2020 regular ZAPCO meeting, the Commissioners unanimously voted to recommend approval by a vote of 5 – 0.

Staff Recommendation

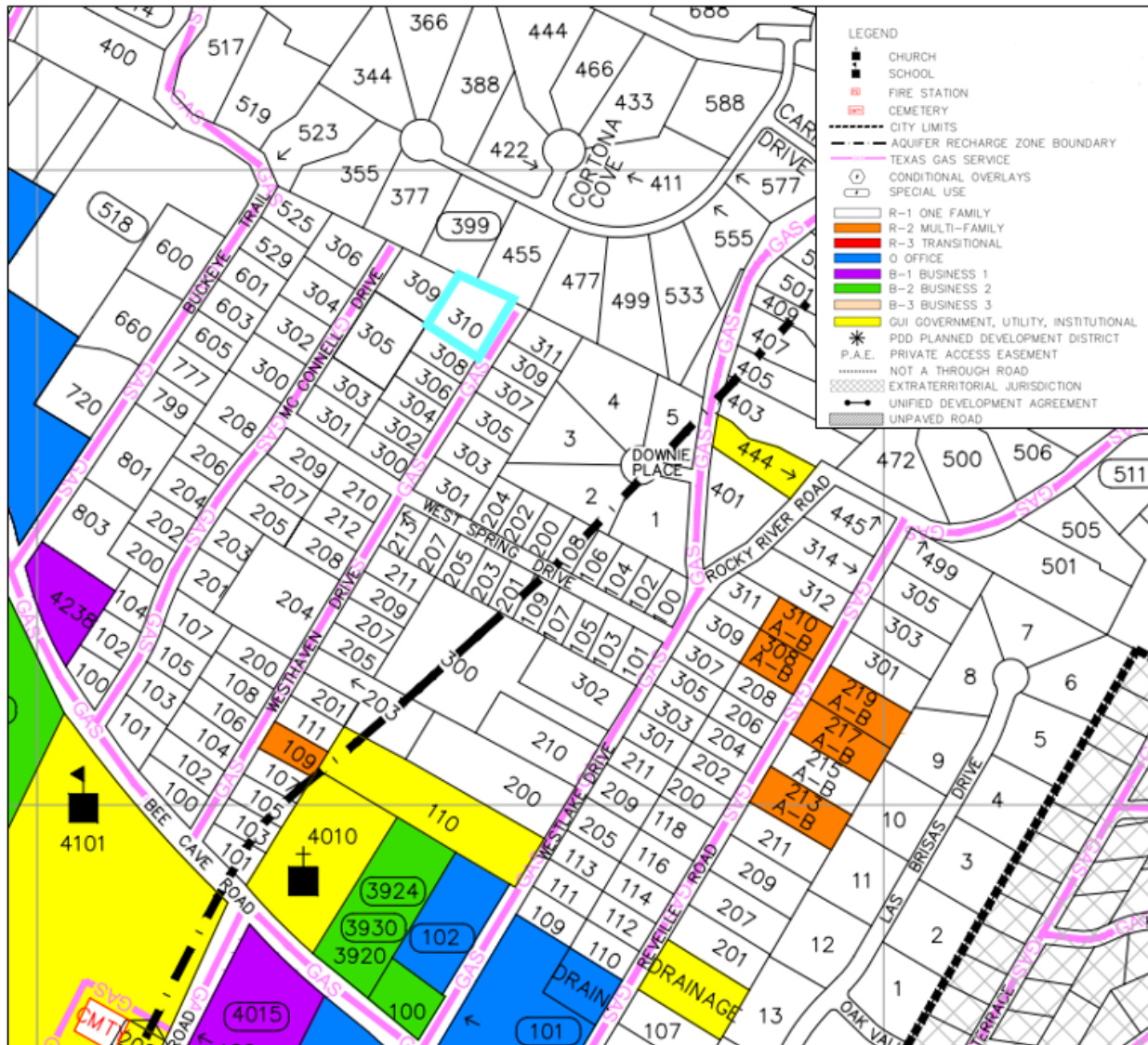
The staff recommendation is approval as the proposed remodel will not increase impervious cover or expand the existing footprint. Furthermore, the City previously approved the same variance requests in 2018.

Links to Relevant Code:

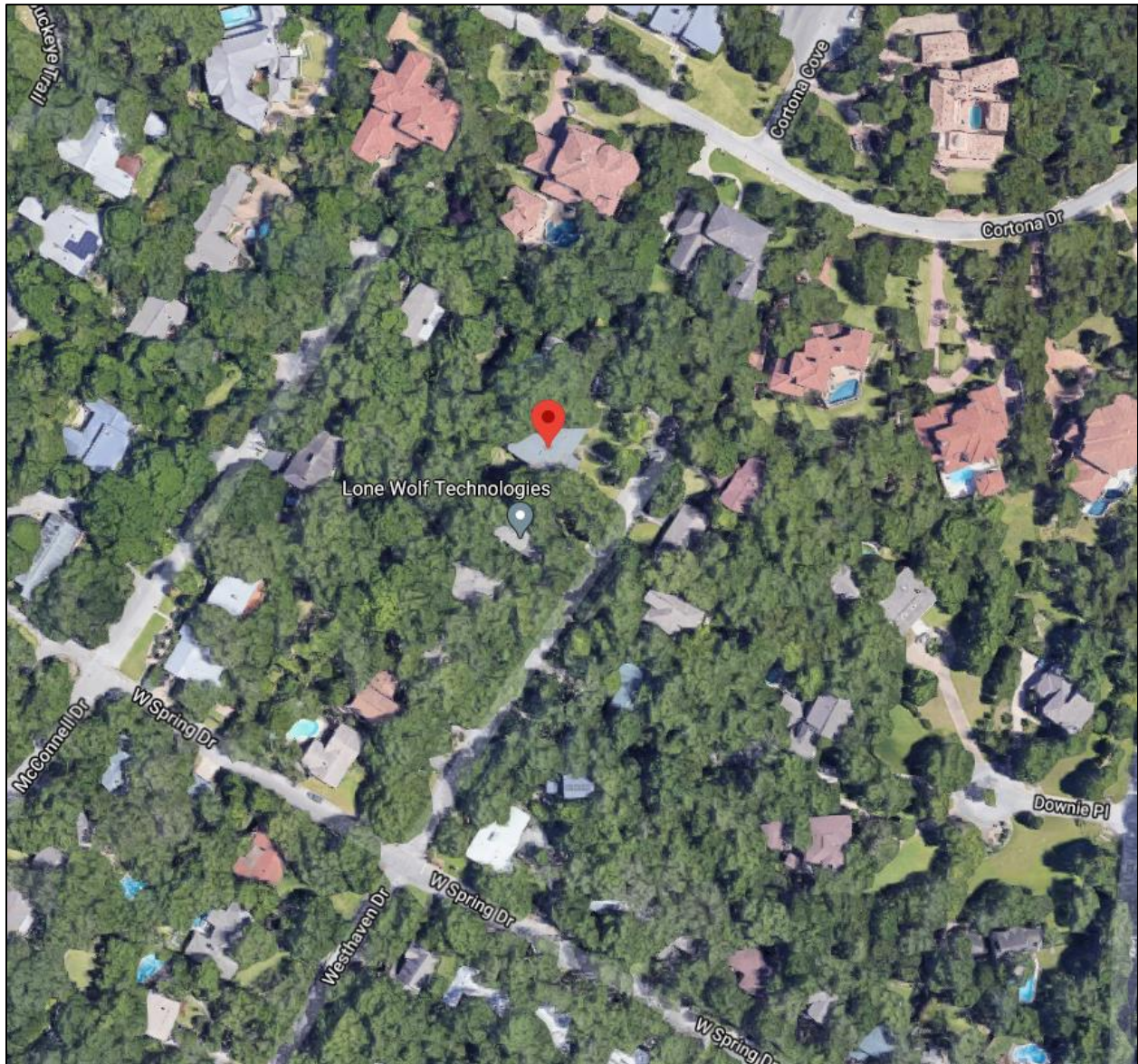
- [Article 22.03, Division 8. Dimensional Regulations](#)
- [Article 38.04, Division 3. Nonconforming Uses and Structures](#)

(Maps to follow)

Zoning:



Aerial:



DRAFT

**CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, November 18, 2020 at 6:30 PM**



1. Call to Order. Chairman Robert Meisel.

With a quorum present, ZAPCO Chairman Meisel called the meeting to order at 6:30 p.m.

Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Bill Harwell, James Vaughan, Karen Bartoletti and Laurie Maccini.

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.

Vice-Chairman Pledger: Suggests we spent a lot of time at the last meeting that were associated with the condo project. Those need more information because it is an important component.

Bill Harwell: Jim was listed instead of Bill Harwell.

Chairman Meisel: Bring them back for final approval.

3. Personnel Recognition of Commissioner Bill Vandersteel for his several years of service.

Chairman Meisel recognizes Bill Vandersteel's service. It has always been a joy and want to say thank you for everything you've done.

Chairman Meisel welcomes Karen Bartoletti to the Commission.

Commissioner Bartoletti: I'll try my best.

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

Planner Naini gives the staff briefing. Staff Recommendation: Denial due to the lack of physical hardship.

- b. Presentation by applicant

Victoria Keith is the applicant. I bought the house in 2019 and have a 13 year old son. Working and schooling from home has created the request. The building is 10 x 12 and would be painted the same colors as the home. The hardship is the loss of use to my backyard.

- 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: Is page 30 where I see a photo of the neighbor's house?

Planner Naini: It shows the neighbors.

Victoria: Both are non-conforming.

Chairman Meisel: Be sure to point out to Board of Adjustment that it has not been built. Nobody anticipated having to work from home so we might be getting more of these requests.

Commissioner Bartoletti: If this was an addition to the home and no closer to the setback, would it be grandfathered?

Chairman Meisel: Extending a non-conforming encroachment, we don't have that in our code.

Vice-Chairman Pledger: I'm still not seeing a hardship.

Chairman Meisel: We need to be ready to make that accommodation to allow home offices due to unexpected conditions.

Commissioner Maccini: She is on an extremely small lot. In this case I'm in favor and doing it in a thoughtful manner.

Commissioner Vaughan: Is this structure slab built, pier and beam?

Victoria: I'm going to do a skid foundation on wood. It could be moved and will have no plumbing.

**COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL.
COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (5-0) APPROVAL.**

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

Planner Naini gives staff briefing. Staff Recommendation: Denial.

Vice-Chairman Pledger: Did you receive photos of the fence?

Planner Naini: If you click on the individual exhibits under the agenda item.

Commissioner Maccini: Those are sketches.

- b. Presentation by applicant

Gesine and Thomas Seifert: We did provide photos so they should be with your documents. We want the fence for not only privacy but for dogs and children. If we push the fence back it would need to be higher and would be on top of a 3' retaining wall. The design will match the modern design of the house. The original fence was even closer.

- 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: I drove by and looked at the layout and there was a cord or line that indicated the location of the fence. Is that where the fence would be?

Thomas Seifert: Yes.

Vice-Chairman Pledger: It is a very steep lot and being close to the road, it has a lot of glass and it would benefit from a little bit of privacy.

Commissioner Maccini: It would have a double gate inward, that wouldn't cause trouble with cars coming in and out? I'm a little concerned about that and the height.

Thomas Seifert: The gate would be further back than the fence.

Vice-Chairman Pledger: There is a representation of where the gate would be. Have you considered landscaping along the street to achieve the same effect?

Gesine Seifert: Security for the grandchildren and the dogs.

Commissioner Vaughan: The neighbors providing support, can they see the gate?

Thomas Seifert: The 900 Live Oak Circle property is right across from us.

Commissioner Vaughan: I'm appreciative of the need for grandchildren having a fence.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. (4-1) APPROVAL. COMMISSIONER HARWELL OBJECTS.

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

Planner Naini gives the staff briefing. Staff Recommendation: Denial due to lack of hardship for the driveway gates and fence.

- b. Presentation by applicant

Kevin Stutz and Jeannette Spinelli are the applicants. There is a safety issue with the wall. We've had two incidents where 2 people have fallen off that wall. 70% of the lot is too steep to be used.

- 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: I got the impression that the guardrail was a good guardrail. If I'm looking at the topo and the area between the street and house, where were the people that fell off the ledge?

Jeannette: About the 8' line.

Commissioner Bartoletti: I thought that fence was going to be covered by council?

Planner Naini: You are correct.

Jeannette: We can put the gate at 30' but it would create more of a wall. We're pushing for safety.

Commissioner Maccini: There was something turned in as a letter. What is that encroachment?

Jeannette: From where the 15' marker in the street, that is where the hydrant is located.

Commissioner Maccini: What is that side setback?

Planner Naini clarifies the side yard ordinance.

Commissioner Maccini: It would be nice to know there would be fire access to that valley.

Vice-Chairman Pledger: Anybody that wants access will come to the lower side.

Chairman Meisel: This is no pre-existing condition. It sounds like a design driven variance request.

Vice-Chairman Pledger: The drop off is not anything that the homeowners designed. I'm not a fan of putting a fence along a guardrail.

Commissioner Vaughan: Points out the HOA.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND APPROVAL OF VARIANCES AS REQUESTED. COMMISSIONER VAUGHAN SECONDS. MOTION DIES WITH NO VOTE.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND DENIAL. VICE-CHAIRMAN PLEDGER SECONDS. (3-2) DENIAL.

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

Planner Naini gives the staff report. Staff Recommendation: Approval as proposed.

b. Presentation by applicant

Andrew Schwartz is the applicant and discusses the previously approved variances.

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 Maccini: I voted to approve in 2018.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) APPROVAL.

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

Planner Naini gives the staff briefing. Staff Recommendation: Approval of Tree 649 and Tree 604. Denial of Trees 607, 595, 597 and 626. They may need to be considered differently.

b. Presentation by applicant

Adam Mosier explains the request of the owners. The hardship is the lot shape and would be difficult to build a functional home with the setbacks. The majority of the trees removed are cedars.

- 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: I thought the recommendations Ms. Naini made sense. I'm comfortable with the staff recommendation for the removal of trees.

VICE-CHAIRMAN PLEDGER MAKES THAT A MOTION. COMMISSIONER BARTOLETTI SECONDS.

Commissioner Bartoletti: The staff recommendation makes sense to me.

Commissioner Harwell: In the recommendation regarding septic field, is there a plan for that?

Adam: There is no other place for the septic field.

Chairman Meisel: We cannot protect trees and enforce setbacks. We have to decide I think the applicant has made a reasonable choice. It's up to the city to move forward. I think we should approve it.

Vice-Chairman Pledger: If there are trees that cause a septic problem, we should delegate that distinction.

Commissioner Maccini: I appreciate wanting to save as many as we possibly came.

Vice-Chairman Pledger: I want a septic engineer to say it's critical to the septic system.

Commissioner Maccini: I agree.

Commissioner Vaughan: Are the trees directly related to the septic field?

Commissioner Bartoletti: We might have to reconsider those trees that effect the septic.

Planner Naini: There are two site plans in the packet, they don't have the same septic field. On page 99 you can see the field there is different.

Mr. Montoya: We've tried our best to save as many trees as we could.

Vice-Chairman Pledger: My original motion was on the smaller septic field.

Adam: The larger field is accurate.

Commissioner Maccini: I'd be real careful of any amendment we make.

VICE-CHAIRMAN PLEDGER AMENDS THE MOTION TO GRANT VARIANCES OTHER THAN TREE #626. UNANIMOUS (5-0) APPROVAL OF AMENDMENT.

VOTE ON ORIGINAL MOTION. (5-0) UNANIMOUS APPROVAL.

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

Planner Naini states applicant chose to withdraw.

b. Presentation by applicant

N/A

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

NO ACTION TAKEN.

11. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

DRAFT

These minutes were approved on _____, 2020.

DRAFT

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 ISD, 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).

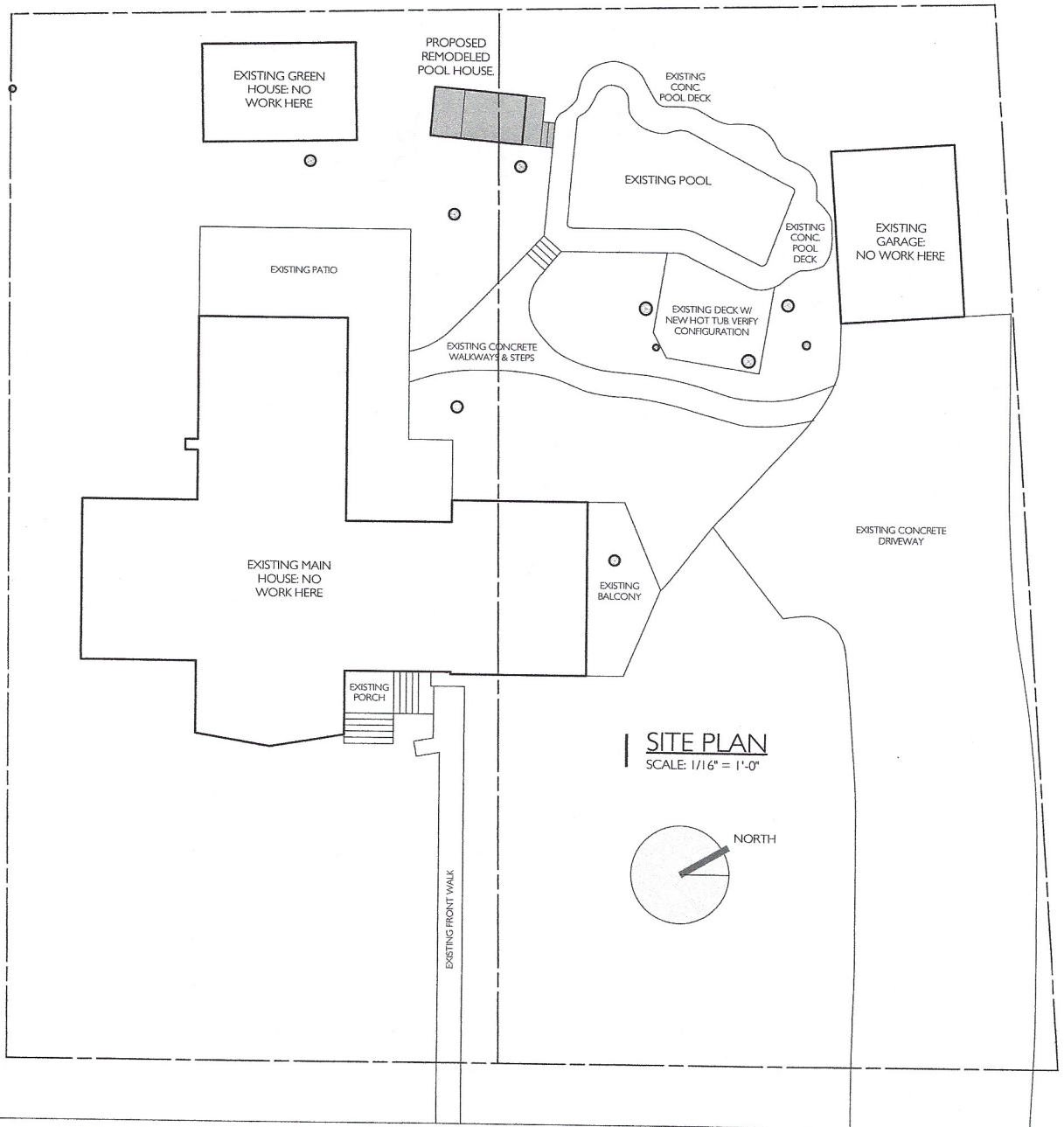
- (5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

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



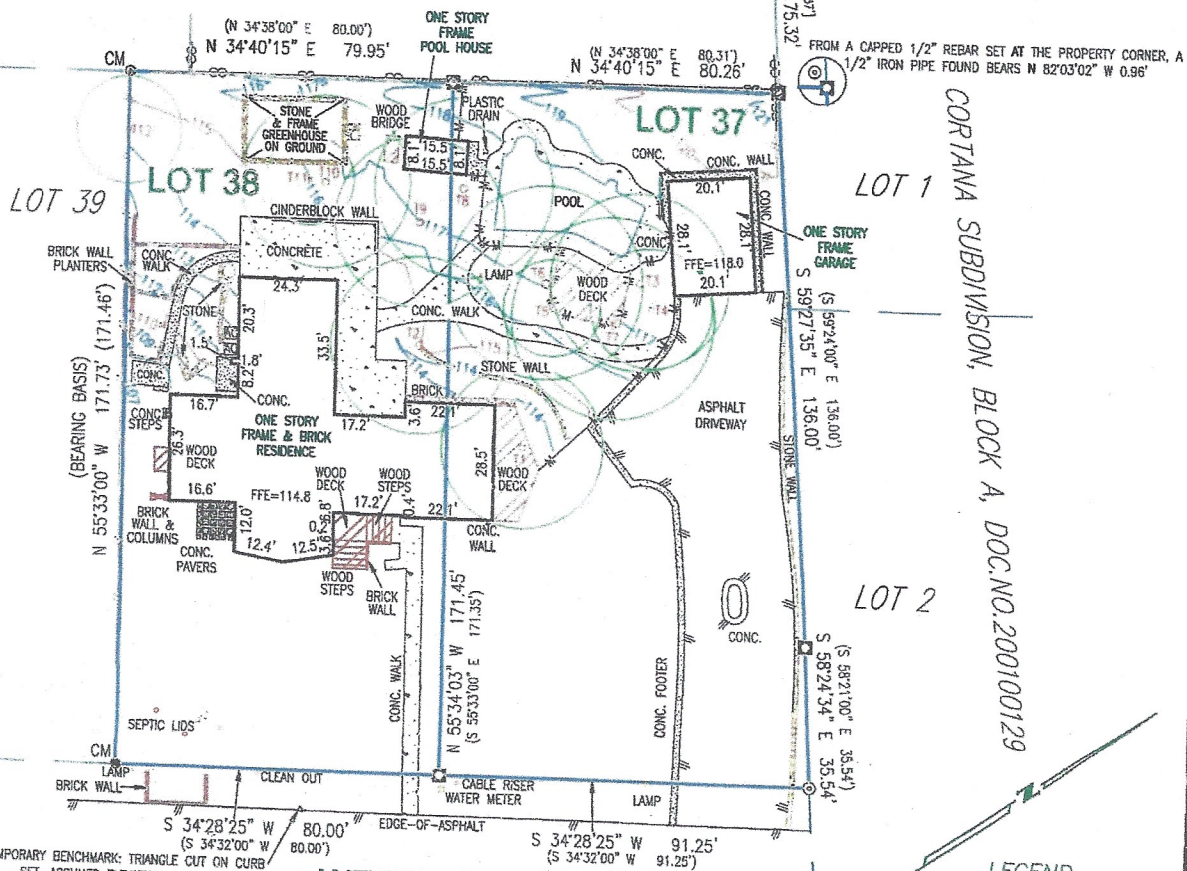
WESTHAVEN
DRIVE

[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
- CH. 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

AUSTIN/WESTLAKE HILLS

COUNTY: TRAVIS

STATE OF TEXAS

REFERENCE NAME: SYLVIA ARABIAN

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

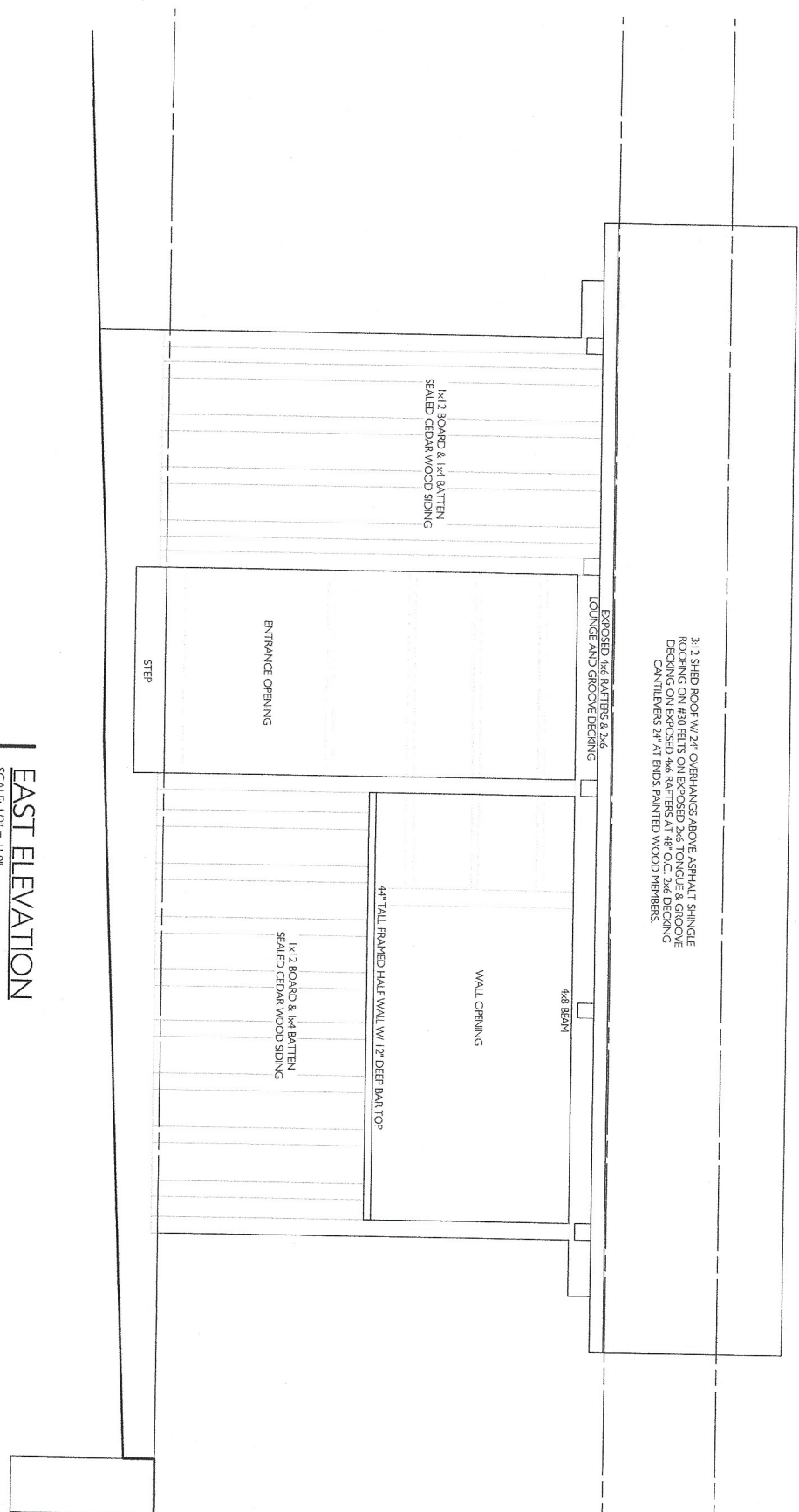
JOB #: B1012017_TA
DATE: 11/06/17
SCALE: 1"= 30'

N34°24'02"E 159.85'

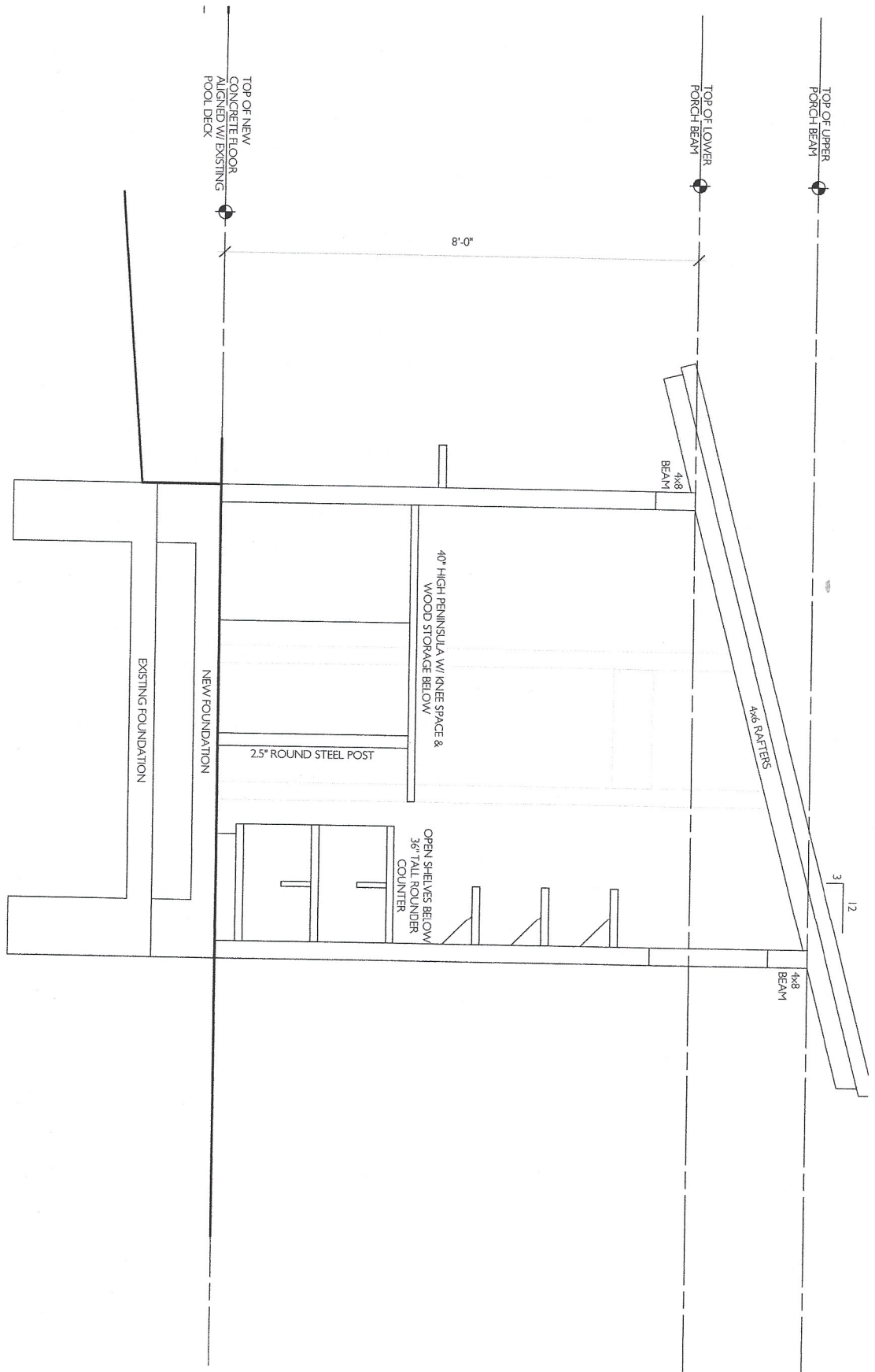


ELEVATION=

Page 44 of 75



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

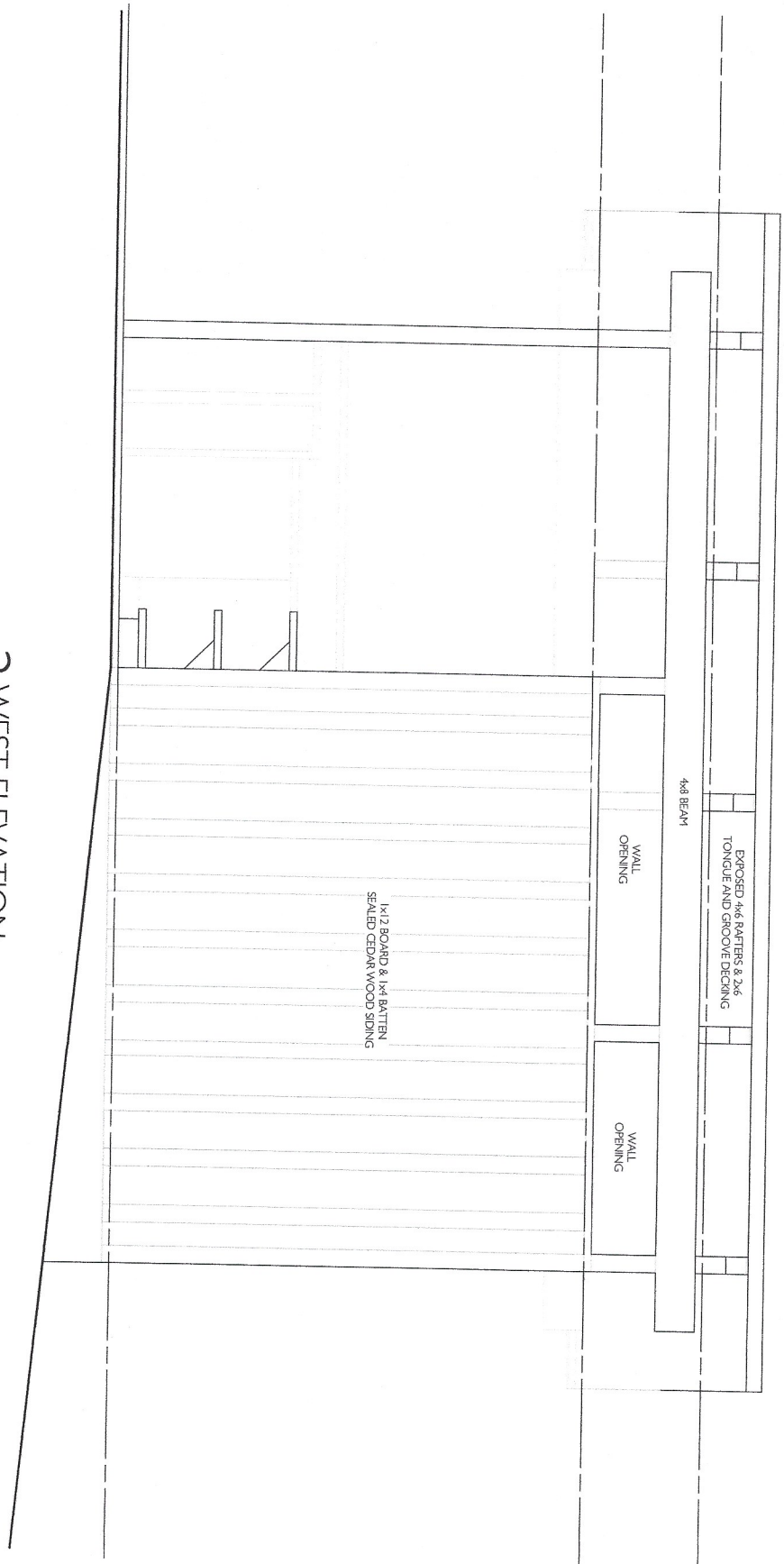


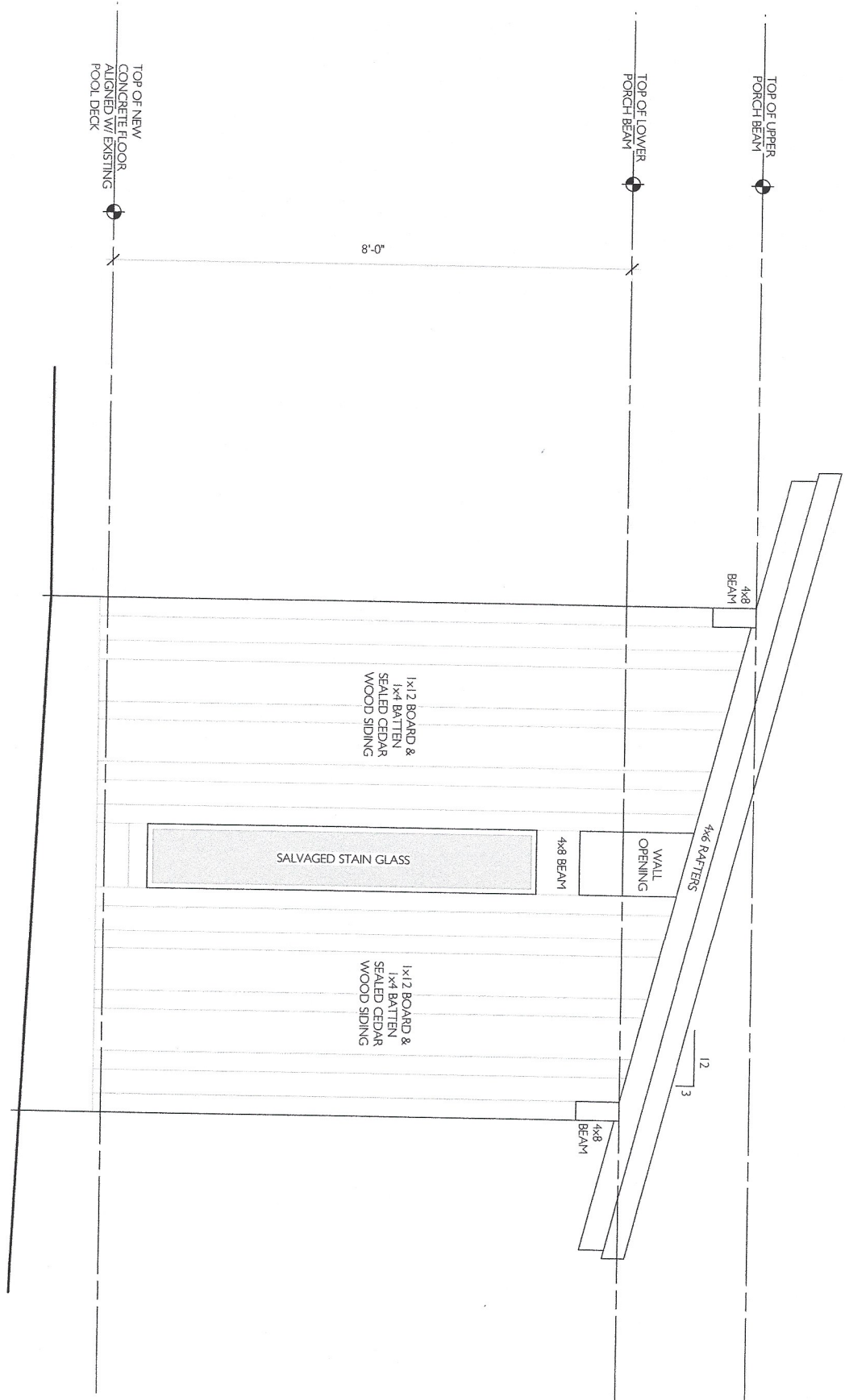
2 NORTH ELEVATION

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

3 WEST ELEVATION

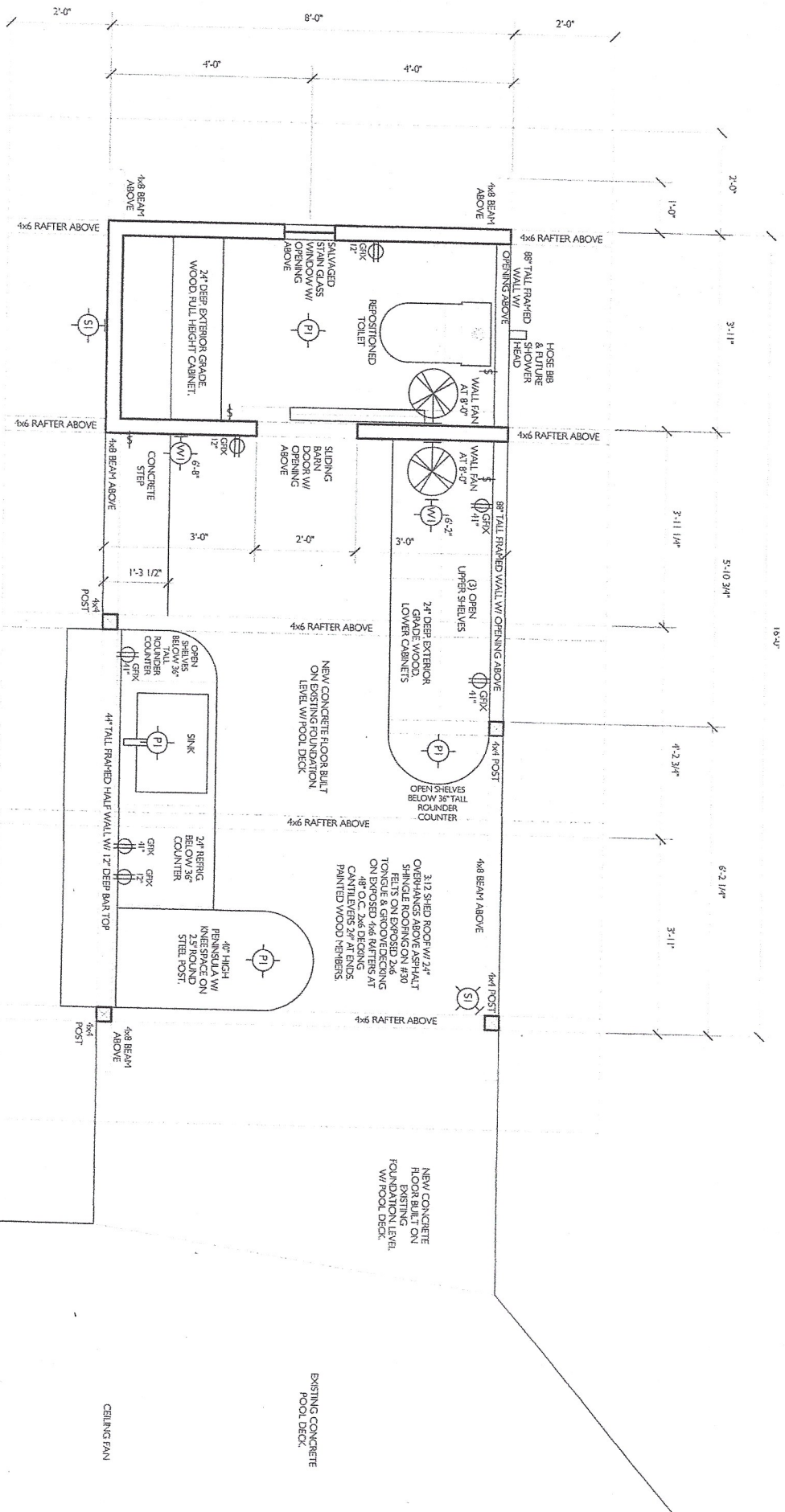
SCALE 1/2" = 1'-0"





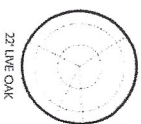
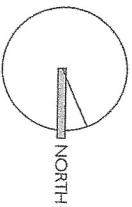
4 SOUTH ELEVATION

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



FLOOR PLAN

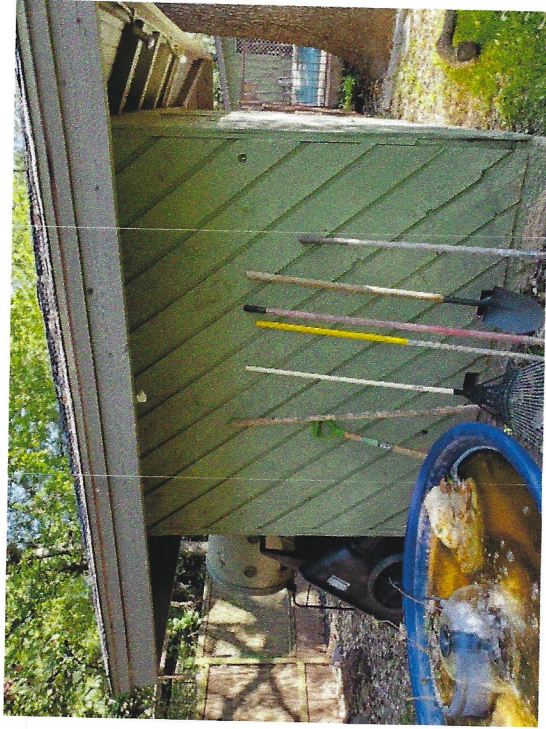
SCALE: 1/2" = 1'-0"



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



SETBACK VARIANCE STAFF REPORT

DECEMBER 9, 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.

Zoning & Planning Commission Recommendation

During the regular November 18, 2020 meeting, the Commissioners unanimously recommended approval by a vote of 5 – 0.

Staff Recommendation

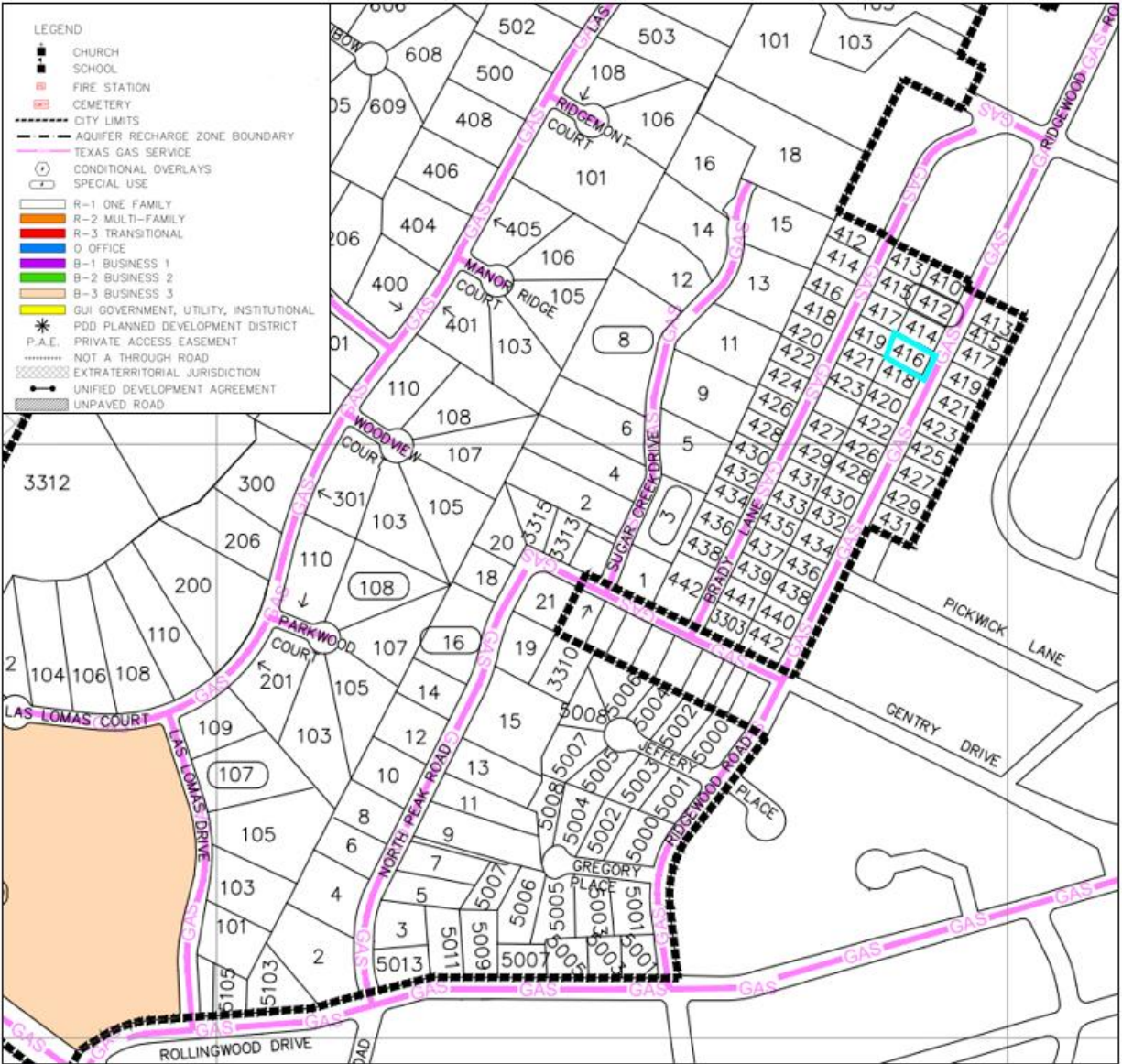
The staff recommendation is denial due to lack of hardship. It appears there are other possible location for the proposed accessory structure that would comply with the City's Code.

Links to Relevant Code:

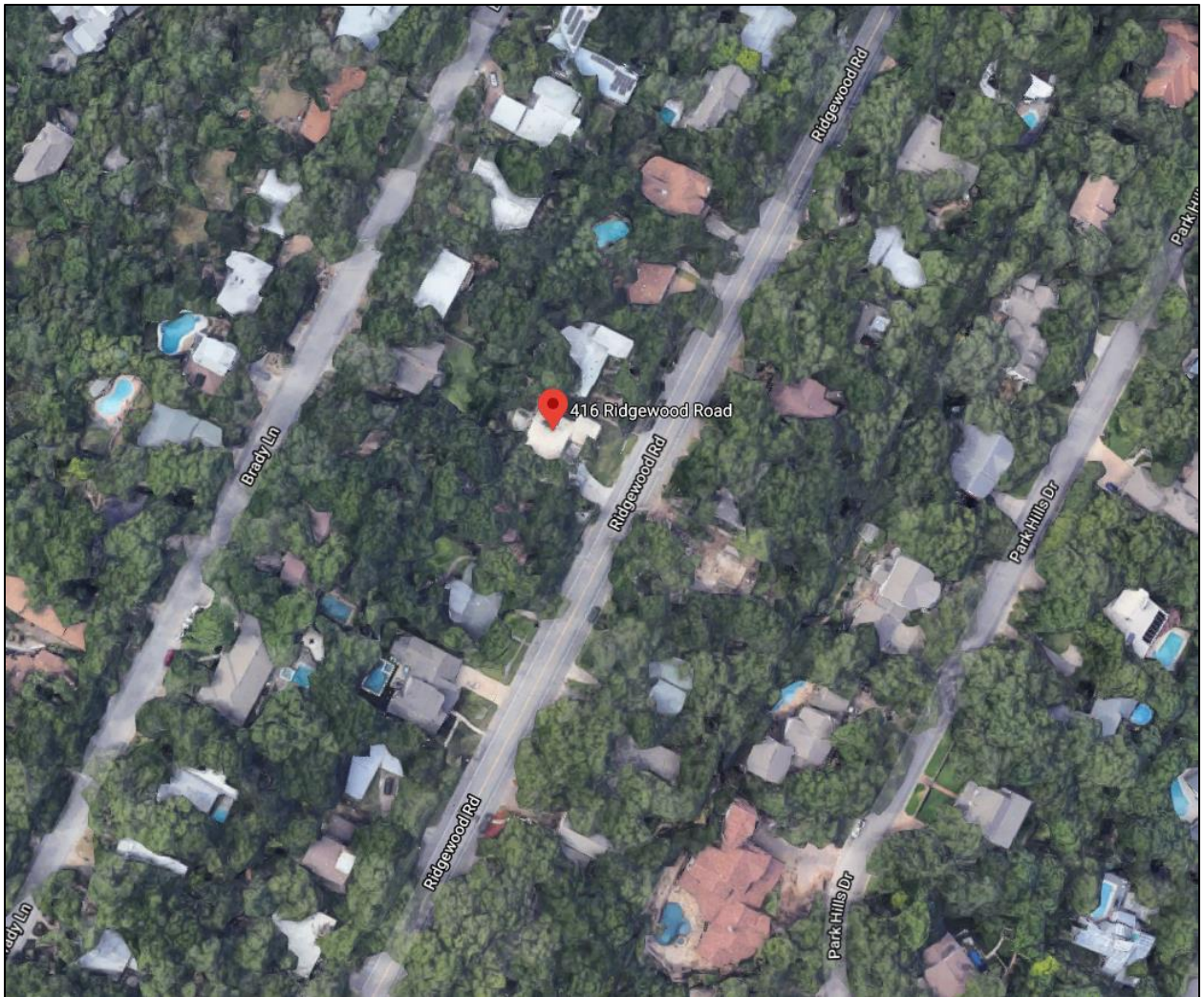
- [Article 22.03, Division 8 Dimensional Regulations](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

(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: _____
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.

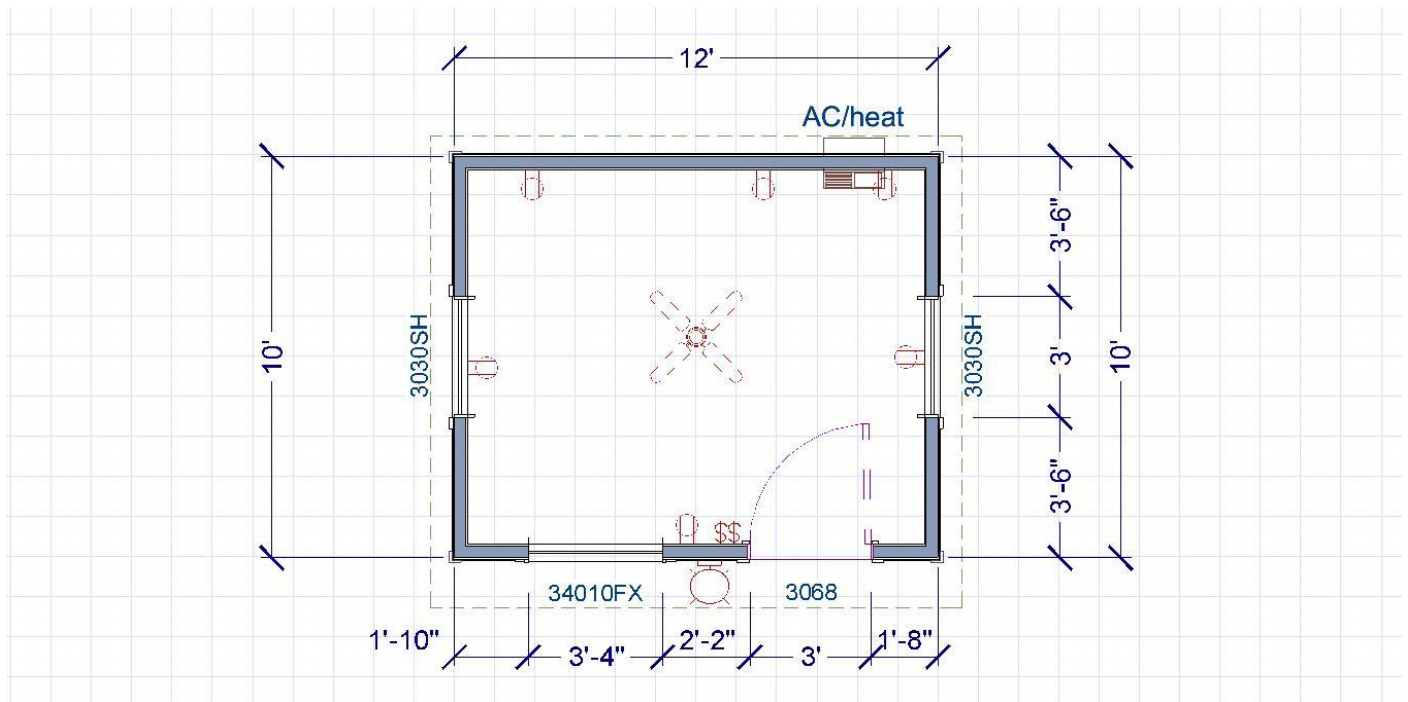
Sincerely,
Tori (Victoria) Ott Keith



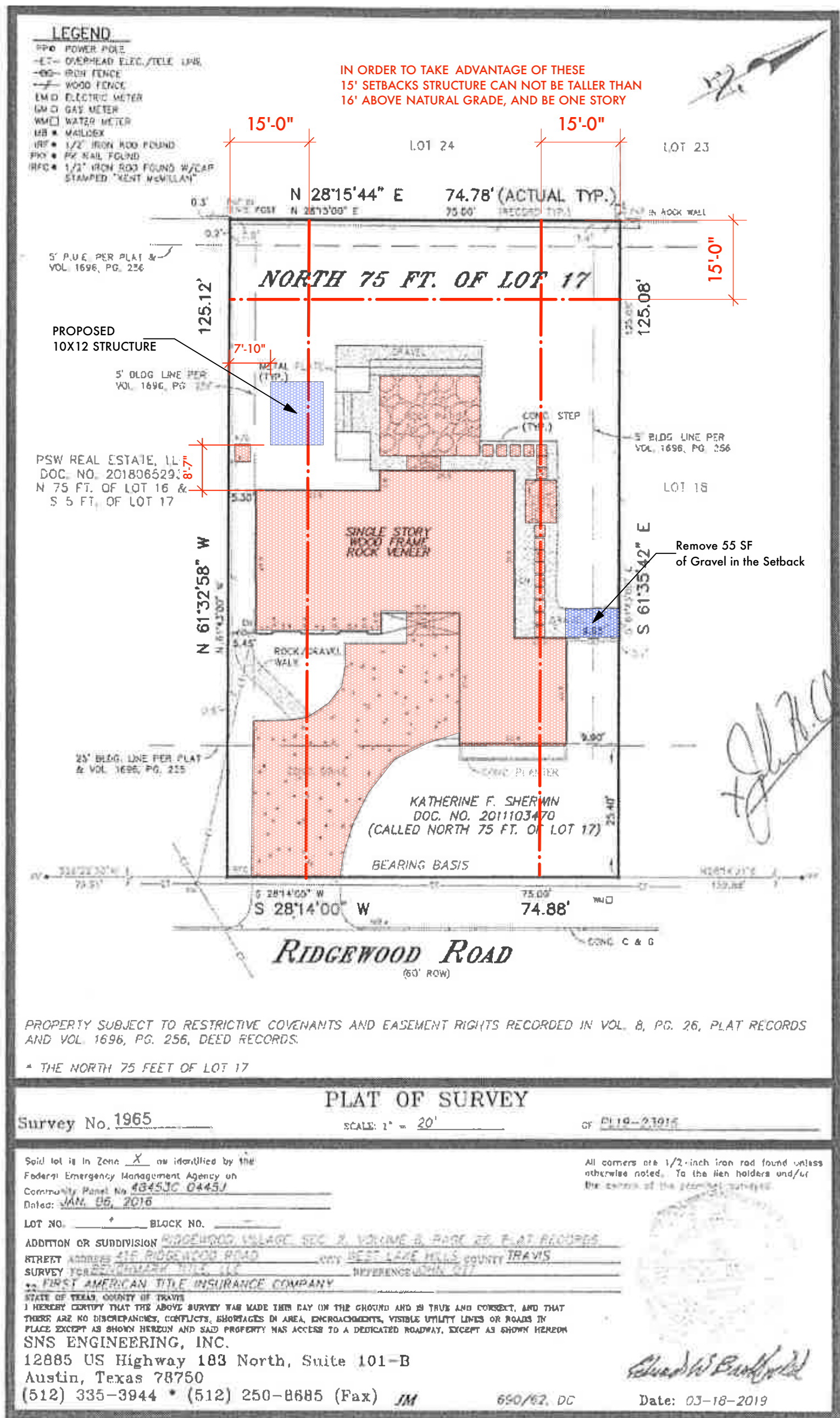












9461 SF = .21 Acres
Allowable IC - Sliding Scale = 39.5% IC
3737 SF of IC Permitted

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 that the existing house.

Existing shed at 418 Ridgewood not 15' setback









