



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, August 12, 2026 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 12th day of August 2026 at 7:00 p.m., in the Council Chamber, Municipal Building, 4010 Bee Cave Road, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS - Join Zoom Meeting at <https://us02web.zoom.us/j/3499549035>
Or via telephone: Dial (346) 248-7799 - Meeting ID: 349 954 9035

If you wish to speak during the meeting or provide written comments, please email your name, phone number, comments, and the item number you wish to speak on to citysec@westlakehills.gov by 1:00 P.M. on August 12, 2026.

1. Call to Order
2. Citizen Communications The Board welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Board later in the meeting. The Board cannot respond to or discuss matters not listed on the agenda. The Board may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Consent Agenda Consider action to approve the minutes from the June 10, 2026 meeting.
4. Public Hearing **407 Buckeye Trail:** Discuss and consider action to approve Special Use Permit 157-2026-F for a request to allow a commercial coach.

Applicant: Ben Broughton, Warriner Broughton Construction

5. Administration 300 Block of Laurel Valley Rd.: Discuss and consider action on a recommendation from ZAPCO on proposed variances:
- a. For the construction of a driveway 15 feet, 9 inches above natural grade where 6 feet is the maximum allowed by code (Section 22.03.175(e)(1)).
 - b. For grading of up to 18 inches on a slope of greater than 35% where no grading is allowed by code (Drainage and Erosion Control Design Manual Section 9.4.1).

Applicant: Matt Garcia, Matt Garcia Design

6. Adjournment

Approved by: James Vaughan, Chair

Certificate

I certify that the above Notice of the August 12, 2026 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 4010 Bee Cave Road, West Lake Hills, Texas on Thursday, August 6, 2026 by 5:00 p.m. and will remain posted continuously until said meeting is convened.

Signed by: Makayla Rodriguez, City Secretary

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

All items on the agenda are for discussion and/or action. 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
BOARD OF ADJUSTMENT (BOA) REGULAR MEETING MINUTES
Wednesday, June 10, 2026 at 7:00 PM

1. Call to Order

Chair James Vaughan called the meeting to order at 7:01 p.m.

MEMBERS PRESENT: Chair James Vaughan, Mayor, Board Member Dana Harmon, Board Member Margaret Moore, Board Member Julia Webber, Alternate Member Earl Broussard, and Alternate Board Member Jim O'Connor. Board Member Gordon Bowman and Board Member Beth South were not in attendance.

CITY STAFF PRESENT: Interim City Administrator Jennifer Bills, City Secretary Makayla Rodriguez, Police Chief Scott Gerdes, and City Attorney Charles Zech.

Chair James Vaughan recessed the meeting at 7:02 p.m.

Chair James Vaughan called the meeting back to order at 7:23 p.m.

2. Citizen Communications The Board welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Board later in the meeting. The Board cannot respond to or discuss matters not listed on the agenda. The Board may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

Chair James Vaughan opened the meeting for public comment. Hearing none, the public comment section was closed.

3. Administration Discuss and consider the approval of the May 13, 2026 regular meeting minutes.

MOTION: Upon a motion made by Board Member Dana Harmon and seconded by Board Member Julia Webber, the Board of Adjustment voted 4-0-2 (Broussard and O'Connor) to approve the meeting minutes.

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

MOTION: Upon a motion made by Board Member Margaret Moore and seconded by Board Member Dana Harmon, the Board of Adjustment voted 6-0 to nominate Board Member Julia Webber as Vice Chair.

5. Public Hearing 614 Westbrook Dr: Discuss and consider action on a recommendation from ZAPCO on a proposed variance to allow a four-foot encroachment into the 30-foot rear setback (Section 22.03.276 & Section 22.03.281).

Applicant: Steven Campos, Contemporary Tile Design LLC

Interim City Administrator Jennifer Bills briefed the Board of Adjustment of the variance request as well as stated that neighbors of the applicant support approval.

Rachel Schuler shared supplemental information regarding her request.

MOTION: Upon a motion made by Board Member Margaret Moore and seconded by Vice Chair Julia Webber, the Board of Adjustment voted 6-0 to approve the variance as requested.

6. Public Hearing

406 Redbud Trl: Discuss and consider action on a recommendation from ZAPCO on proposed variances:

- a. To allow grading up to 6 feet on slopes of greater than 35%, where no grading is allowed (Drainage and Erosion Control Design Manual Section 7.4.1).

Applicant: Bhavani Singal, Workshop No 5

Interim City Administrator Jennifer Bills briefed the Board of Adjustment on the variance requests, shared comments received in opposition to the request, and that the Zoning and Planning Commission recommended denial of the proposed variance.

Dharma Raja and Bhavani Singal shared additional information regarding the topography, details of proposed work, and redesign efforts.

There was discussion regarding the drainage, comments in opposition,

Martha Dodie Freeman spoke in opposition of the variance request.

Atrini Raja shared their experience in attempts to work with nearby neighbors.

The Board of Adjustment discussed the property, topography, the efforts made by the homeowners, and the variance request.

Dharma Raja stated that he would like to postpone action on the item.

MOTION: Upon a motion made by Chair James Vaughan and seconded by Vice Chair Julia Webber, the Board of Adjustment voted 6-0 to postpone action.

7. Adjournment

Chair James Vaughan adjourned the meeting at 8:25 p.m.

Respectfully submitted:

James Vaughan, Chair

ATTEST:

City Secretary, Makayla Rodriguez

The minutes were approved on the 12th day of August, 2026.



City of West Lake Hills Board of Adjustments

AGENDA REPORT

Meeting Date:	August 12, 2026	Item Number:	4
Department:	Building and Development Services		
Prepared By:	Jennifer C. Bills, Director	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

407 Buckeye Trail – Discuss and consider action to approve Special Use Permit 157-2026-F for a request to allow a commercial coach.

Applicant: Ben Broughton, Warriner Broughton Construction

Recommendation

Staff recommend approval of the special use permit.

Discussion

Property Information, Zoning & Site Characteristics:

Property Owner: Renai Acquisition LLC

Legal Description: Lot 1A (Amended Plat of Lot 1 & Lot 2), Boone Acres

Lot Size: 1.9922 acres

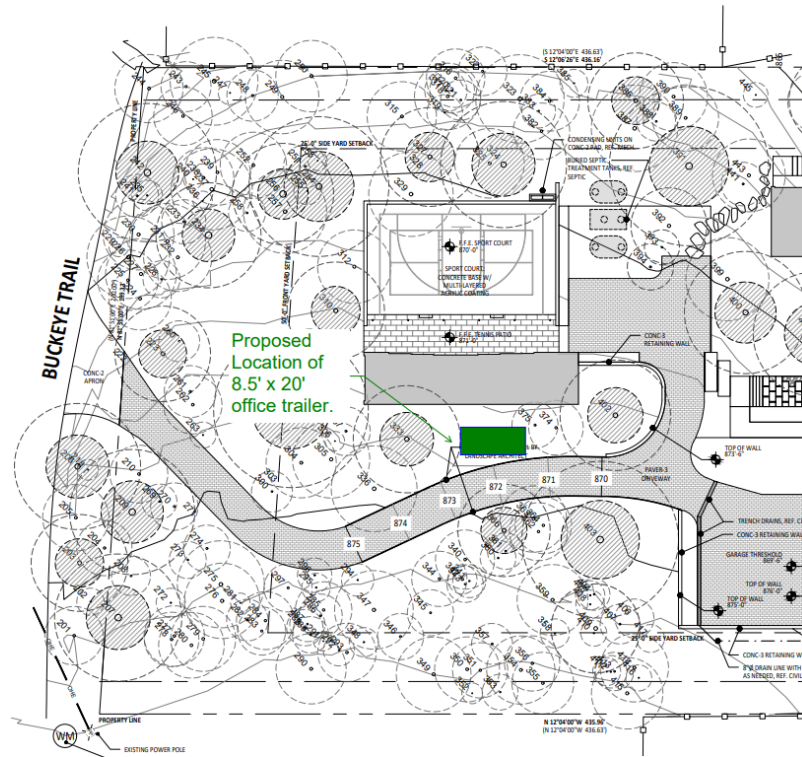
Zoning: R-1

Hours of Operation: 7am-6pm, Monday - Saturday

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

Background & Analysis:

The property owners are requesting a Special Use Permit to allow a commercial trailer during the construction of a single-family home. Placement of the trailer cannot encroach in the $\frac{1}{4}$ or $\frac{1}{2}$ critical root zones. The trailer must be removed before the final inspection and certificate of occupancy.



Attachment 2, Proposed Site

SUP Criteria & Analysis:

A proposed special use permit must comply with all the following criteria:

- (1)** The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;
- (2)** The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;
- (3)** The proposed use will not create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business;
- (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
- (5)** The proposed use shall comply with all other applicable ordinances and regulations.

Outdoor Lighting

No lighting is being considered with this SUP.

Compliance with Code of Ordinances

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

Subdivision

No changes to the subdivision are proposed with this application.

Comprehensive Planning Analysis

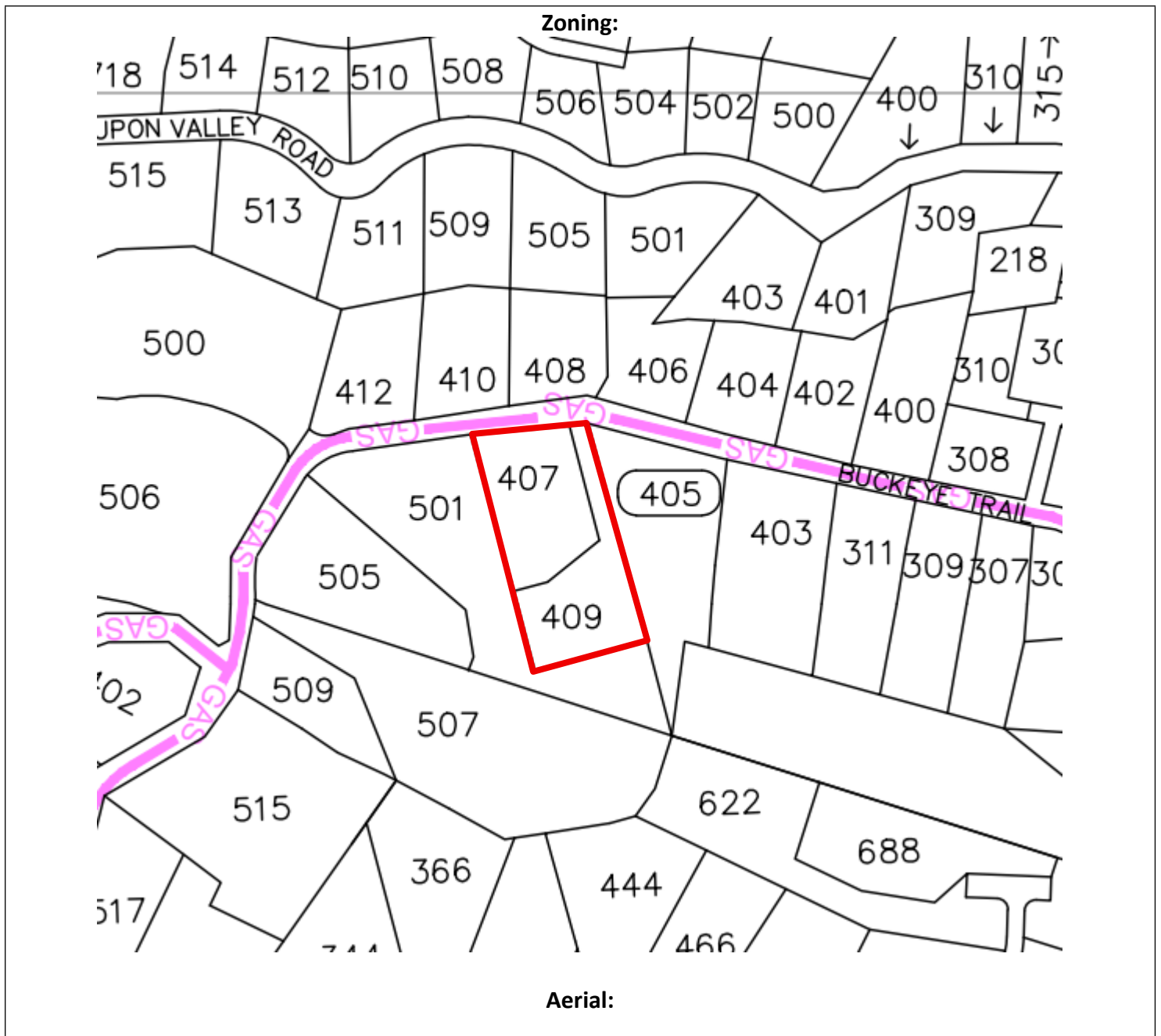
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

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

[Section 1.01.003 Definition and rules of construction.](#)

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





Letter to Board of Adjustment Chairperson

Date: April 27, 2026

To: Chairperson, Board of Adjustment
City of West Lake Hills
4010 Bee Cave Road
West Lake Hills, Texas 78746

Re: Request for Special Use Permit – Temporary Jobsite Office Trailer

Dear Chairperson:

This letter is submitted on behalf of the property owner/applicant in support of a request for a Special Use Permit to allow the temporary placement and use of a jobsite office trailer during construction of a new residence at the property identified below.

Project Information

Property Address: 407 Buckeye Tr West Lake Hills, Tx 78746

Owner/Applicant: Justin Cho

Authorized Agent/Builder: Ben Broughton, Warriner Broughton Construction

Description of Proposed Special Use

The applicant requests approval to place one temporary jobsite office trailer on the construction site for the limited duration of active construction. The trailer will be used solely for project administration, plan storage, contractor meetings, scheduling, inspections, and coordination of trades.

Operational Details

- Proposed trailer dimensions: 8.5' x 20'
- Proposed location on site: See attached site plan.
- Date to be installed: July 2026
- Expected removal date / end of construction: June 2028
- Hours of use: During lawful construction hours only
- Utilities: Temporary service only, if required

- Restroom facilities: Separate portable facilities / existing facilities as permitted

Compatibility / Mitigation Measures

To minimize impacts to neighboring properties and preserve community character, the applicant proposes the following:

- Trailer will remain temporary and be removed promptly upon completion of construction.
- Placement will be internal to the site to reduce visibility from adjoining streets and homes where feasible.
- No retail, residential, or overnight use will occur.
- No amplified sound or signage is proposed except legally required safety signage.
- Site access, parking, deliveries, and contractor operations will be managed to reduce traffic and nuisance impacts.
- All applicable city codes, permit conditions, stormwater controls, and safety requirements will be followed.

Basis for Request

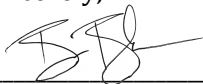
The temporary office trailer is reasonably necessary for efficient management of the active construction project and will improve on-site supervision, coordination, document control, and responsiveness to inspectors and subcontractors. Approval will support orderly construction while maintaining appropriate safeguards.

Requested Action

The applicant respectfully requests approval of the Special Use Permit, subject to any reasonable conditions the Board deems appropriate.

Thank you for your consideration.

Sincerely,



Name: Ben Broughton

Title: Partner

Company: Warriner Broughton Construction

BUCKEYE RESIDENCE
407 BUCKEYE TRAIL
WEST LAKE HILLS, TEXAS 78746

ISSUE	DATE
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[illegible]

100% DD PRICING
February 13, 2026

NOT FOR
REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRUCTION

JOB NO. 407

SCALE $1/16'' = 1'-0''$

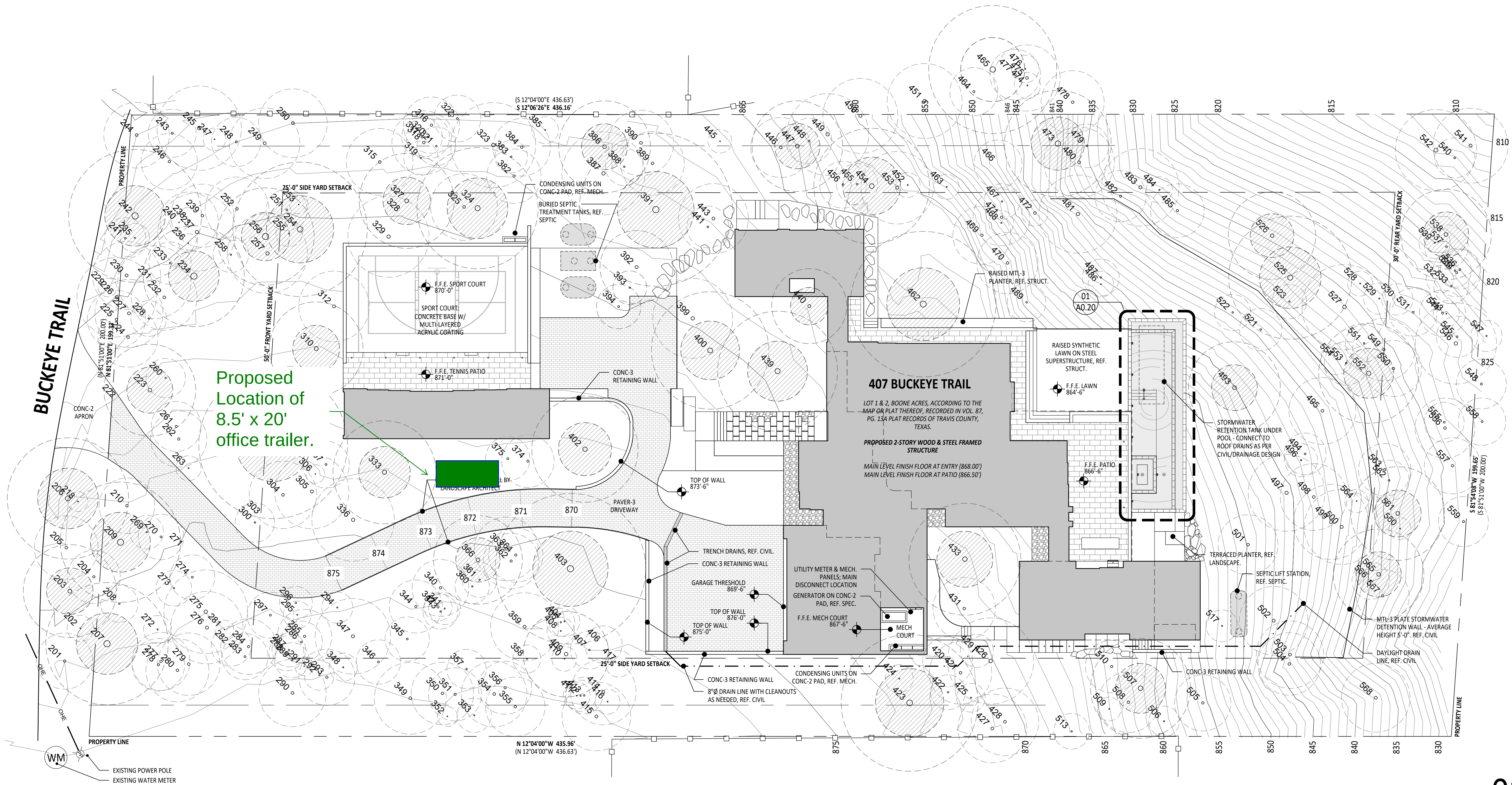
TITLE

SITE PLAN

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

0 2 4 8 16 32 DRAWING NO.

Page 13 of 7



SPECIAL USE PERMIT 157-2026-F

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, Renai Acquisition LLC (Ben Broughton, Authorized Agent), of the herein described parcel of land at 407 Buckeye Trail, has requested a Special Use Permit for a commercial coach; 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, a Public Hearing has been held by the Board of Adjustment as required by law; and

WHEREAS, there has not been a valid objection in the Public Hearing 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 1.01.003 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 1A (Amended Plat of Lot 1 & Lot 2), Boone Acres

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

1. The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;
2. The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;
3. The proposed use will not create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business;
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
5. The proposed use shall comply with all other applicable ordinances and regulations; and

Article 3. The duration of this Special Use Permit shall be for two (2) years from the effective date hereon. The permit shall lapse if the use has not commenced (or construction commenced) within one year of the date the permit was issued. The Special Use must be discontinued before the completion of the new residential construction permit.

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 commercial coach is granted to Ben Broughton, authorized agent, at 407 Buckeye Trail.

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 substantial violation of any of the plans, terms, general or special conditions, and limitations applicable to this Special Use Permit;
2. A substantial violation of any applicable ordinance or regulation;
3. Operation or maintenance of the special use in a manner that is detrimental to the public's health or safety, or so as to constitute a nuisance; or; or
4. Discontinuance of the use.

Article 8. The staff report presented on August 12, 2026 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 407 Buckeye Trail.

Article 10. This Special Use Permit shall become effective upon approval of the Board of Adjustment.

PASSED AND APPROVED this 12th day of August, 2026.

James Vaughan, Chair
Board of Adjustment
City of West Lake Hills, Texas

ATTEST:

Makayla Rodriguez, City Secretary

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

Ben Broughton, Warriner Broughton Construction



City of West Lake Hills Board of Adjustment

AGENDA REPORT

Meeting Date:	August 12, 2026	Item Number:	5
Department:	Building & Development		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

300 Block of Laurel Valley Rd.: Discuss and consider action on a recommendation from ZAPCO on proposed variances:

1. For the construction of a driveway 15 feet, 9 inches above natural grade where 6 feet is the maximum allowed by code (Section 22.03.175(e)(1)).
2. For grading of up to 18 inches on a slope of greater than 35% where no grading is allowed by code (Drainage and Erosion Control Design Manual Section 9.4.1).

Applicant: Matt Garcia, Matt Garcia Design

Recommendation

Discuss and consider action on whether the following conditions are fulfilled:

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.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The Board of Adjustments, in performing their respective duties in reference to applications for variances, may be guided by the interpretative criteria listed in the variance criteria in the report.

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

This item was reviewed by the Zoning and Planning Commission on June 17, 2026 and the following criteria used:

1. The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and

2. The variance may have an adverse effect on neighborhood properties or interfere with the respective owners' enjoyment thereof.

The current proposed variances for grading and driveway height, along with a variance request to use the 30-foot zoning front setback in place of the 50-foot platted front setback, were heard by the Zoning and Planning Commission on June 17, 2026.

ZAPCO recommended denial for grading and driveway height. The commission makes no recommendation regarding the setback variance due to the information presented by counsel regarding the city's authority to grant variances on platted setbacks (Attachment 5).

At the hearing, the City Attorney determined that a variance to platted setbacks cannot be granted, and the Zoning and Planning Commission recommended denial of the remaining requests. Prior to the initially scheduled July 8 Board of Adjustment hearing, the applicant requested to postpone the hearing. The applicant has withdrawn the setback variance request and revised the plans to move the proposed structure to the 50-foot platted setback.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Graham Schmergel

Legal Description: Yaupon Valley Subdivision, Lot 8

Lot Size: 0.4371 acres

Zoning: R-1 One Family

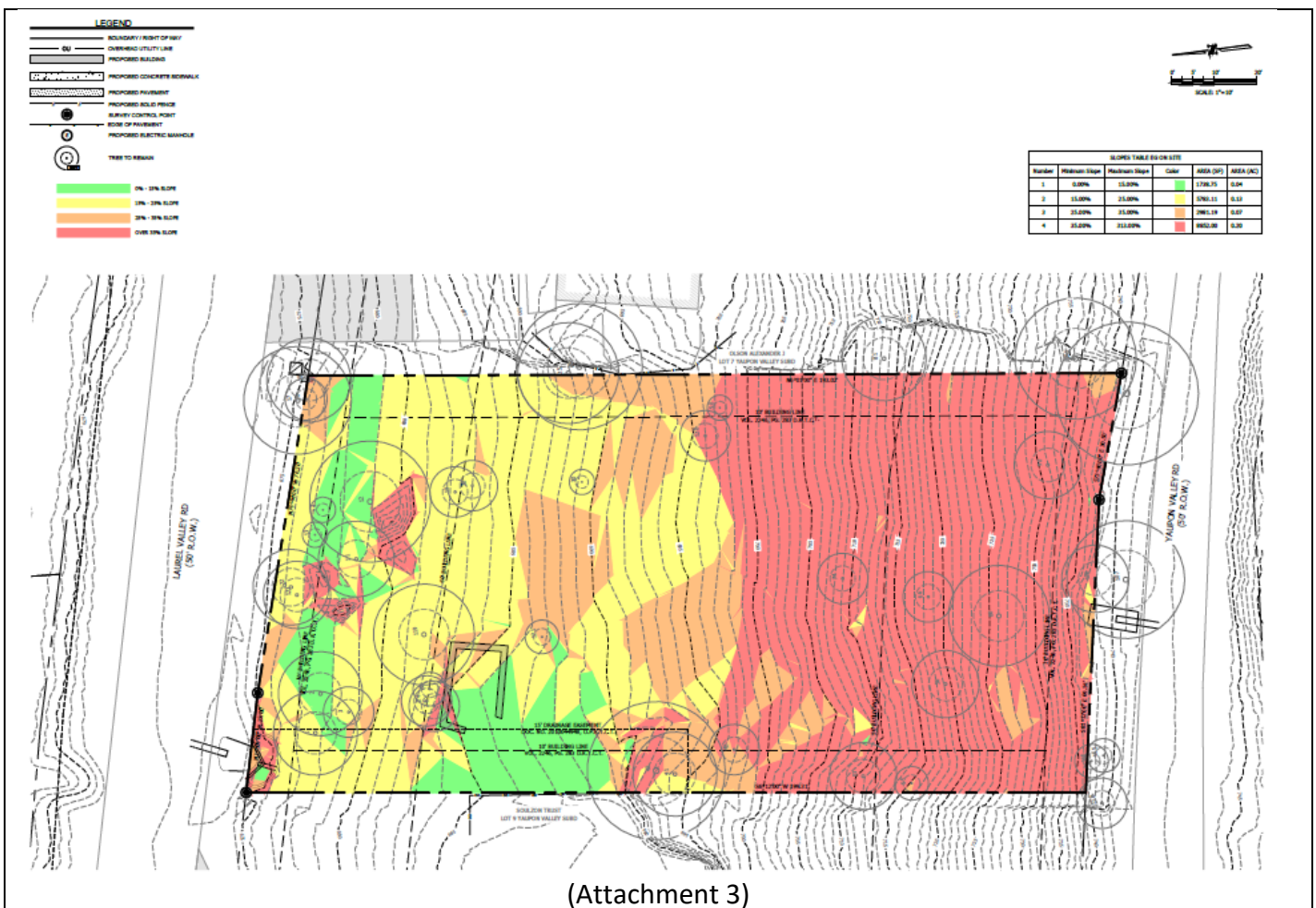
Wastewater: On-site Sewage Facility (Septic)

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

Background:

The applicant is proposing to build a new 4,320 sf house (Attachment 1). The site is 0.4371 acres in size, which was platted in 1962. The total impervious cover in the concept plan is 4,486 sf (23.1%). The property was issued a permit for new residential construction on March 12, 2022. The house was never started and due to more than six months of inactivity, the permit was marked as expired October 24, 2024.

The previous approved project had the house located more central to the lot and took access from Yaupon Valley with a switch back driveway. The applicant is proposing to take access off Yaupon Valley and place the house on the top of the hill, due to the slope of the property. The existing houses adjacent to this lot take access from Laurel Valley and are situated at bottom of the hill.

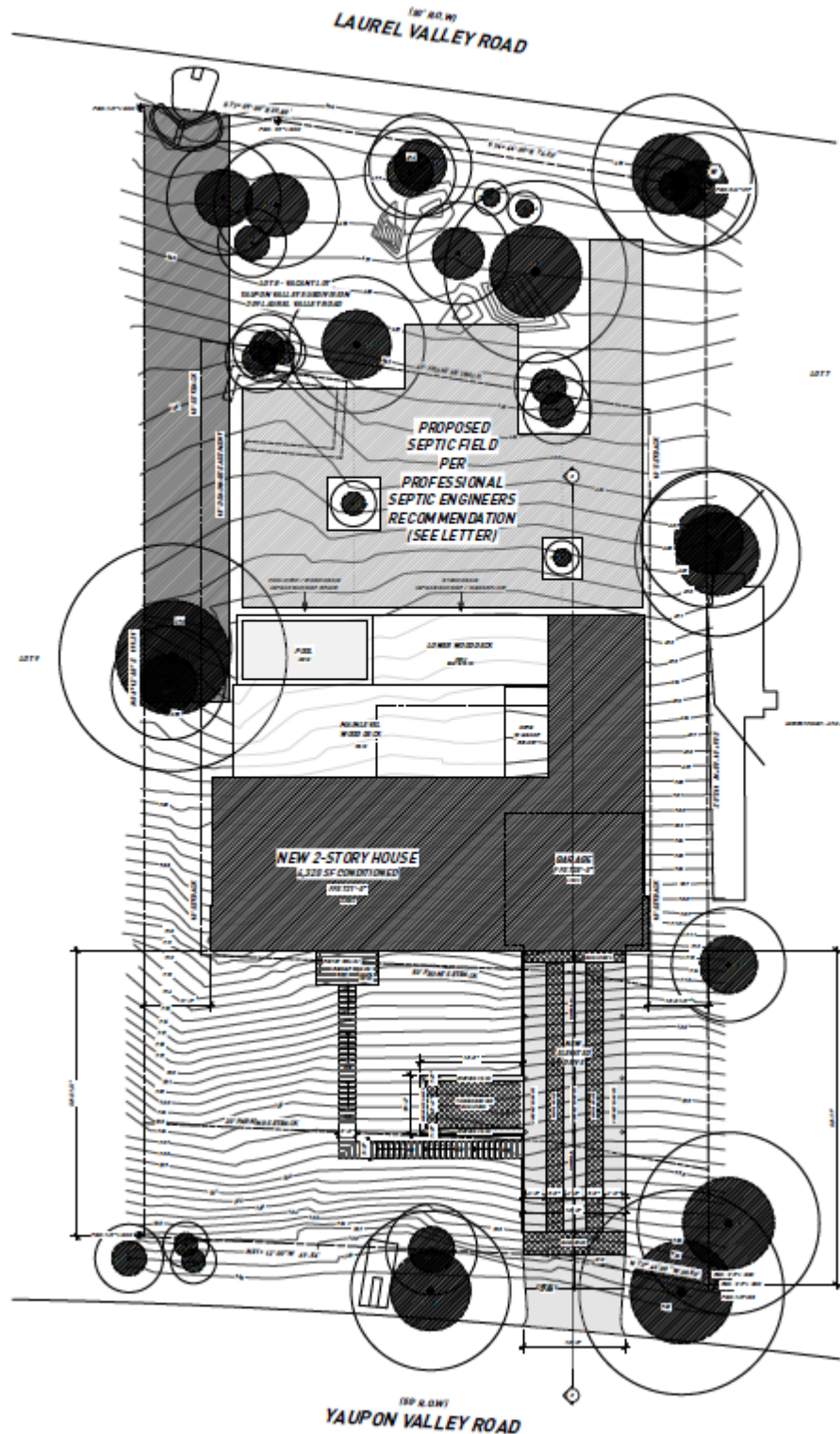


The applicant received variances in April 2026 to encroach 10 feet into the 20-foot side setbacks and allow replacement trees for unpermitted removal to be planted at the end of the construction of the home, if the permit was issued within 365 days of the variance approval. At the same meeting, variance requests to construct a driveway 15 feet, 10 inches above grade (where the maximum allowed by code is 6 feet), and to allow grading of up to 18 inches on slopes greater than 35% (where no grading is allowed) were denied by the Board of Adjustment.

Following the April variance hearings, the applicant turned in a new variance application requesting construction of a driveway greater than 6 feet above natural grade, grading on slopes of greater than 35%, and to use the 30-foot front setback from the City's Zoning Ordinance in place of the 50-foot front setback along Yaupon Valley that was recorded with the subdivision plat.

The variance requests were heard at the June 17, 2026 ZAPCO hearing. The applicant provided a survey including 10-foot building lines on all sides (front and sides) recorded in Travis County Clerk records, but no document was provided showing how those were established. However, the Yaupon Valley Subdivision depicts the 50-foot platted building line along Yaupon Valley. During the ZAPCO hearing, the City Attorney advised that a zoning variance cannot be granted to setbacks in a recorded plat. Therefore ZAPCO made no recommendation on the setback variance request. ZAPCO recommended denial of the variance requests for driveway height and grading in the setback.

The applicant subsequently requested to postpone the BOA hearing to the August meeting instead of July and has revised their request. The current request before the BOA is to construct a driveway 15 feet, 9 inches above grade (one inch less than was denied in April 2026) and to grade up to 18 inches on slopes of 35% or more.



(Attachment 3 Proposed Site Plan)

Analysis:

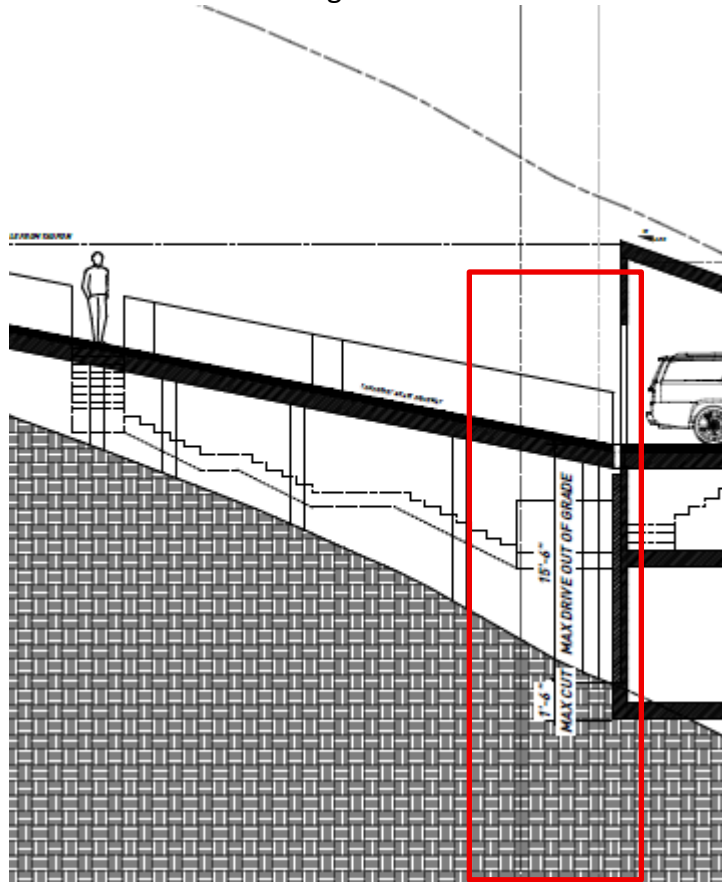
1. Driveway Height

Code Requirements

- 22.03.175. Off-street parking and parking pad requirements in residential areas.
- (e) Every driveway entrance/exit shall be at roadway grade level where the driveway intersects the city's right-of-way except as otherwise approved by the city inspector.
- (1) Each dwelling shall be on a lot abutting a public street or having access to an improved public street, and all structures shall be so located on lots as to provide safe, convenient access for servicing, police protection, fire protection and required off-street parking. Driveways shall not exceed a maximum of 20 percent grade at any point after construction. **No part of a driveway shall rise more than 6' above natural ground grade directly below.**

Request

The applicant is requesting a variance for a driveway 15 feet, 9 inches feet above natural grade where the maximum height is 6 feet.



2. Maximum Grading on Slopes over 35%

Code Requirements

- Drainage and Erosion Control Design Manual, Section 7.4.1 Cut/Fill Limits.

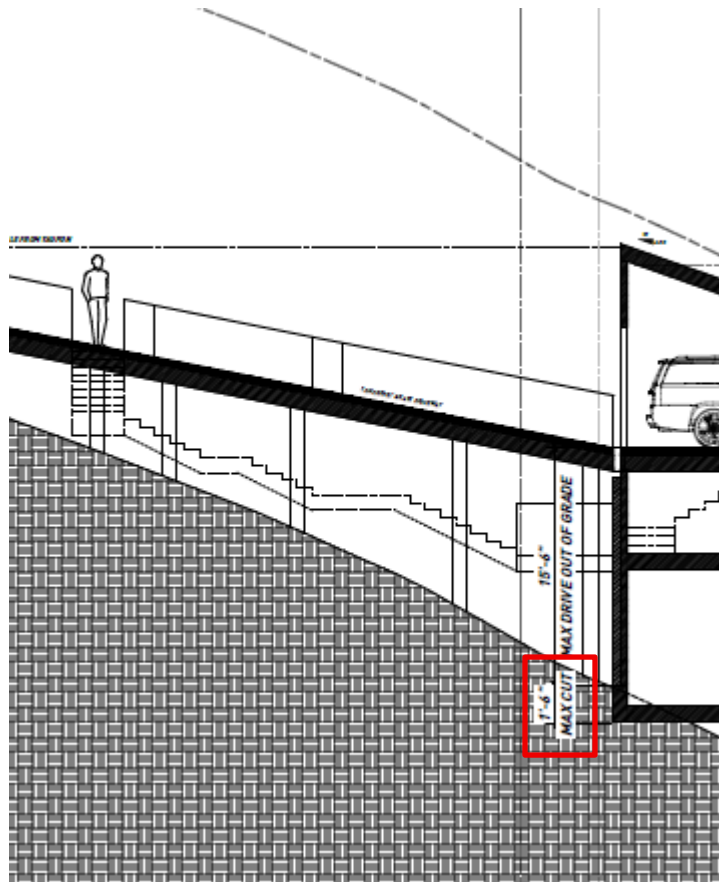
In order to reduce stormwater runoff, resulting in erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of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

Table 7-1: Maximum Cut and Fill Limits

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

Request:

- Allow up to 18 inches of cut and fill in areas with slope over 35% where none is allowed



Public Comment:

As of the date of the report, no comments have been received for this new request.

Variance Criteria Review:

- Section 38.05.031. Provisions subject to variance.

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

project for which it was granted.

- Section 38.05.032. Conditions required for granting variance.

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

- (1) The applicant has established by competent evidence that:
 - (A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
 - (B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - (C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
 - (D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- (2) The recommendation of zoning and planning commission shall include an analysis of whether:
 - (A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan.
 - (B) (Reserved).
 - (C) (Reserved).
 - (D) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof.

- Section 38.05.033. Interpretative criteria.

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

- (1) Variances from the terms of this chapter should be granted sparingly.
- (2) Deviations from the requirements of this chapter are justified only where the hardship resulting from their application is substantial.
- (3) Usually, the granting of a variance must be predicated on a finding that the applicant's hardship arises from unusual conditions or circumstances, such as exceptional irregularity of shape or topography, which are peculiar to the parcel of land involved and not shared generally by other parcels in the neighborhood or district, or because no other reasonable alternative is available that will alleviate the unnecessary hardship complained of.
- (4) Normally, a variance is to be denied if conditions or circumstances relied on for a variance were self-created by the person having an interest in the property in disregard of city regulations.
- (5) The variance shall not violate the goals of the master plan for the city.

- (6) The variance shall not have an adverse effect on neighborhood properties or unreasonably interfere with the respective owners' enjoyment thereof.
- (7) The fact that lots, structures, uses or dimensional conditions on properties or structures within 200 feet of the property involved are, because they are nonconforming or because of previously granted variances, similar to the condition which would be created by the variance requested shall be relevant to, but not determinative of, the granting of the requested variance.
- (8) See section 22.03.009(c) for variances to enable the efficient use of solar energy devices.
- (9) When considering variance requests for nonresidential projects, whether granting the variance furthers achievement of the land planning principles set forth in the City's Master Plan, Attachment "B," as codified in the Code of Ordinances.

- Section 38.05.035. Conditions.

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

Outdoor Lighting

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

Compliance with Adopted International Building Code

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

Subdivision

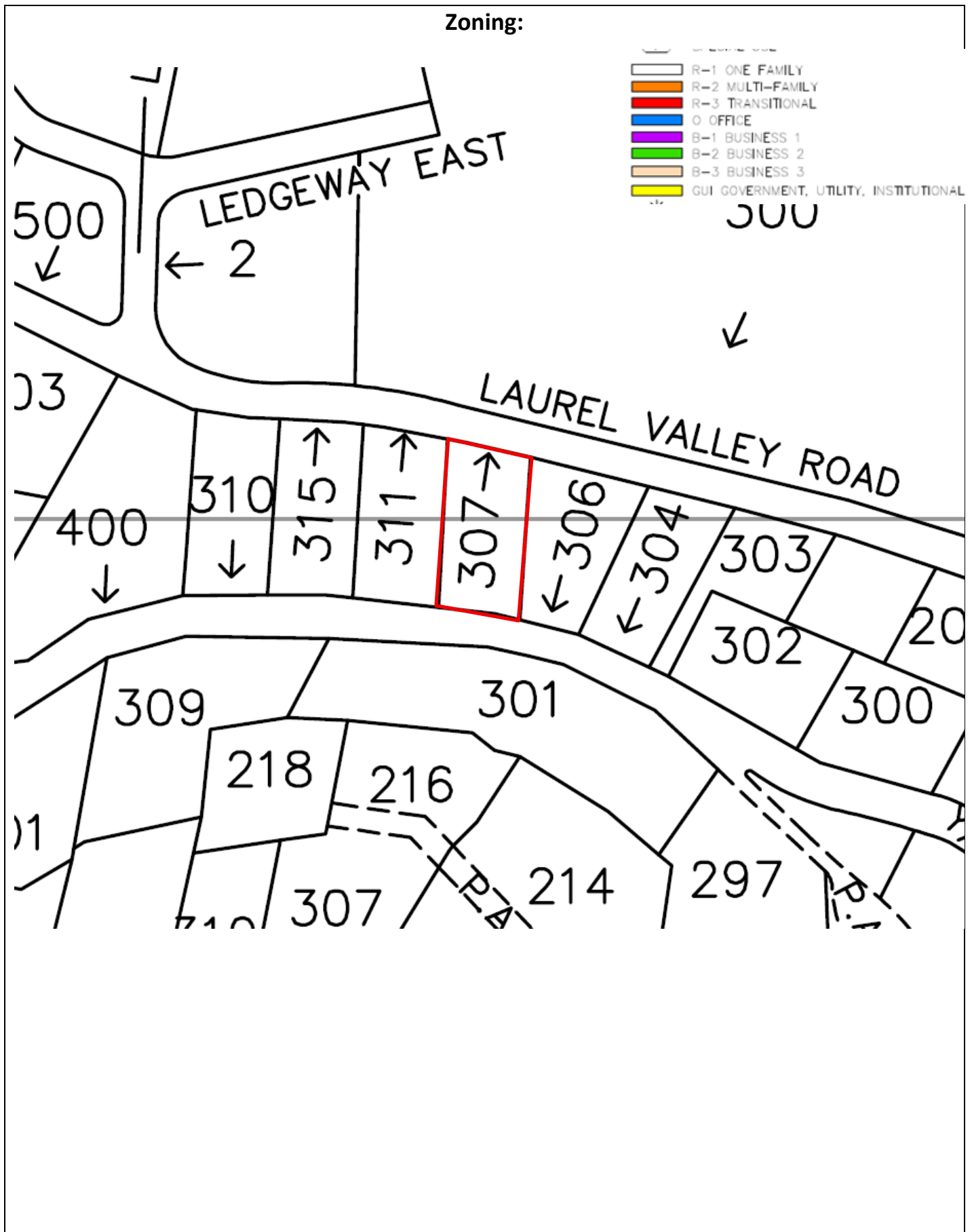
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

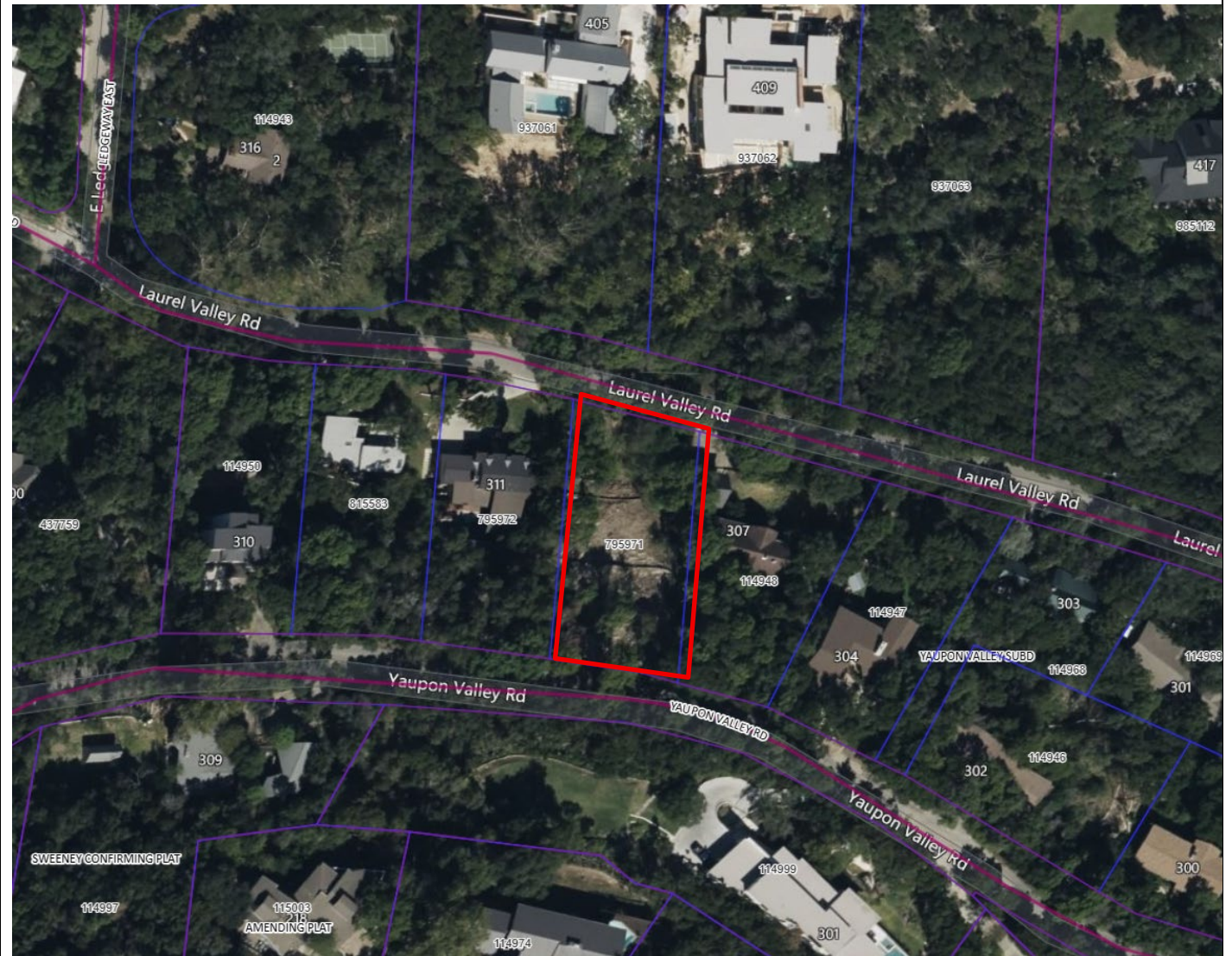
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

- [Section 22.03.170 Site Disturbance \(Excavation, grading or filling\)](#)
- [Drainage and Erosion Control Manual](#)
- [Section 22.03.175 Driveway Height](#)
- [Section 22.07.271 Dimensional Regulations Applicability](#)
- [Section 22.03.514 Criteria and process required for granting variance](#)
- [Section 38.05.031 Variances](#)



Aerial:



VARIANCE REQUEST — DRIVEWAY & SETBACK DESIGN

Submission to the Board of Adjustments — City of West Lake Hills

1. Project History: A Five-Year Effort to Build a Code-Compliant, Safe Home

The owners have spent **more than five years** working in good faith with the City to bring a safe, compliant home to this lot. This is not a shortcut — it is the product of sustained engineering review, legal review, and cooperation with City staff.

Hardship on this lot is **already established**. In 2022, at staff's recommendation, the City **unanimously approved** a variance for a switchback driveway off Yaupon Valley, recognizing the lot's natural topography, size, and the drainage easement at the bottom of the lot as genuine constraints. However, that approved design turned out to be **unsafe to build** — engineers and builders confirmed it required a slope **greater than 45%**. Building it as approved would have been reckless. We did not do that.

Instead, we have redesigned the driveway to deliver what the 2022 approval always intended: a **safe** driveway, still originating off Yaupon Drive, with a **50' setback** from the street.

Before arriving at a 50' setback, we spent additional time and money on a redesign, and ultimately **exhausted** the option of moving the structure up the hill to a 30' street setback, as zoning staff suggested. However, this proved to be a waste of time and resources: at the June ZAPCO meeting, we were notified for the first time by Robert Meisel that the path of a 30' setback is **legally foreclosed**: the City's own legal department confirmed that amending the platted building line would require signatures from **deceased property owners**. It is not an option. A 50' setback off Yaupon Drive is the only setback design available under the existing plat. To be clear, although the **12 other lots** within our subdivision violate these same platted setbacks that are being enforced against us, we are not here to report our neighbors — we are simply seeking approval of our own variance request.

Why the Driveway Cannot Come From the Bottom of the Lot (Laurel Valley)

The owners began this process in July 2020 with Les Davis and Anjali Naini, and originally explored a driveway and home placement off Laurel Valley. That option was **ruled out** — not by preference, but by physical and code constraints that leave no alternative (see exhibits). Here is a summary of why staff and the homeowner concluded that the driveway needed to be off Yaupon Valley at the top of the hill:

- **The only flat ground on this lot — at the bottom — is already fully committed to required infrastructure:**
 - Septic system placement
 - Stormwater detention and water quality infrastructure, including an existing recorded easement
- **These systems cannot be moved uphill.** The remainder of the site is too steep to support proper septic and drainage function while remaining code compliant.
- **A bottom driveway off Laurel Valley would break the lot, not fix it:**
 - Displace or disrupt the septic field
 - Interfere with established drainage flow patterns
 - Conflict with required water quality controls
 - Prevent EMS and life-safety access up the **steepest** part of the lot to reach the home
 - Require **further tree removal**

Bottom line: this lot is fully programmed at the bottom by non-negotiable infrastructure. There is no room for a driveway there without violating fundamental site requirements. A Laurel Valley driveway does not shrink the variance request — it **multiplies it**.

2. Neighboring Properties: Our Constraints Are Real. Theirs Were Not.

The comparison to 307 and 311 Laurel Valley **proves** this request rather than undercutting it — both achieved a downhill build only by relying on conditions this lot does not have and cannot use.

311 Laurel Valley

- **Large, noncompliant retaining wall** behind the house **artificially altered natural topography** to flatten the build/septic area downhill (see attached survey)
- **Setback encroachments**, not compliant with modern code — this is what made the downhill build possible
- Carries **no drainage easement**. Our lot does.

307 Laurel Valley

- Garage placed **over the front and side setback**, shortening the driveway by encroaching into required driveway setback — **not compliant** with modern code
- Garage has a 5 foot cut at the back into natural grade.
- Also carries **no drainage easement**
- Both neighbors gave our surveyors full property access and **support** our uphill design, as it maximizes separation between homes

315 Laurel Valley

- Building is cut at least 12 feet into natural grade when none is allowed.

304 Yaupon Valley — The Only Truly Comparable Lot

- Shares this lot's topography; closest available analog — septic on the flatter, downhill portion, same as proposed here
- Benefits from a **30' front setback** — an advantage we are **not** asking for. Our proposed **50' setback** gives **more** street buffer and stays fully within platted setbacks.

Why This New Design Is the Safe, Responsible, Code-Compliant Answer

- **Septic function and drainage demand it:** gravity is constant; downhill is the only low-maintenance option the topography allows. Not to mention, an uphill septic system on the steepest part of the site **will seep** — confirmed in writing by professional septic engineers (see attached letter).
- **Safest driveway option available** — EMS can reach the house safely, full stop, with **no switchback turns or steep slope**.
- **The driveway meets every requirement for construction on slopes over 35% natural grade:**
 - Requires **zero** cut or fill
 - Delivers the **least** impervious coverage of any option considered
 - Preserves sunlight and drainage beneath the structure
 - Causes the **least** site disturbance of any option considered

3. 1505 Wildcat Hollow Is Not a Comparable Case

- 1505 already has a **house and driveway** in place.
- Its variance request sought to **add a second garage for 20 additional cars**, served by a driveway **over 150 feet long**.
- We are requesting one driveway for a **two-car garage** on a lot that has **never been built on** — one that structurally **requires** an above-grade approach for a safe driveway (see attached images).

4. Variance Requests

Request #1 — Driveway Height Above Natural Grade

Allow a driveway height of 15'-9" above natural grade, where 6 feet above natural grade is the maximum. § 22.03.175(E-1)

We are proposing a raised drive from street to building. Due to the natural topography, we are 15'-9" out of grade **at the highest point only**. This driveway design limits impervious coverage and site disturbance, and meets the City of West Lake Hills' code goals and vision for development on lots of this natural grade.

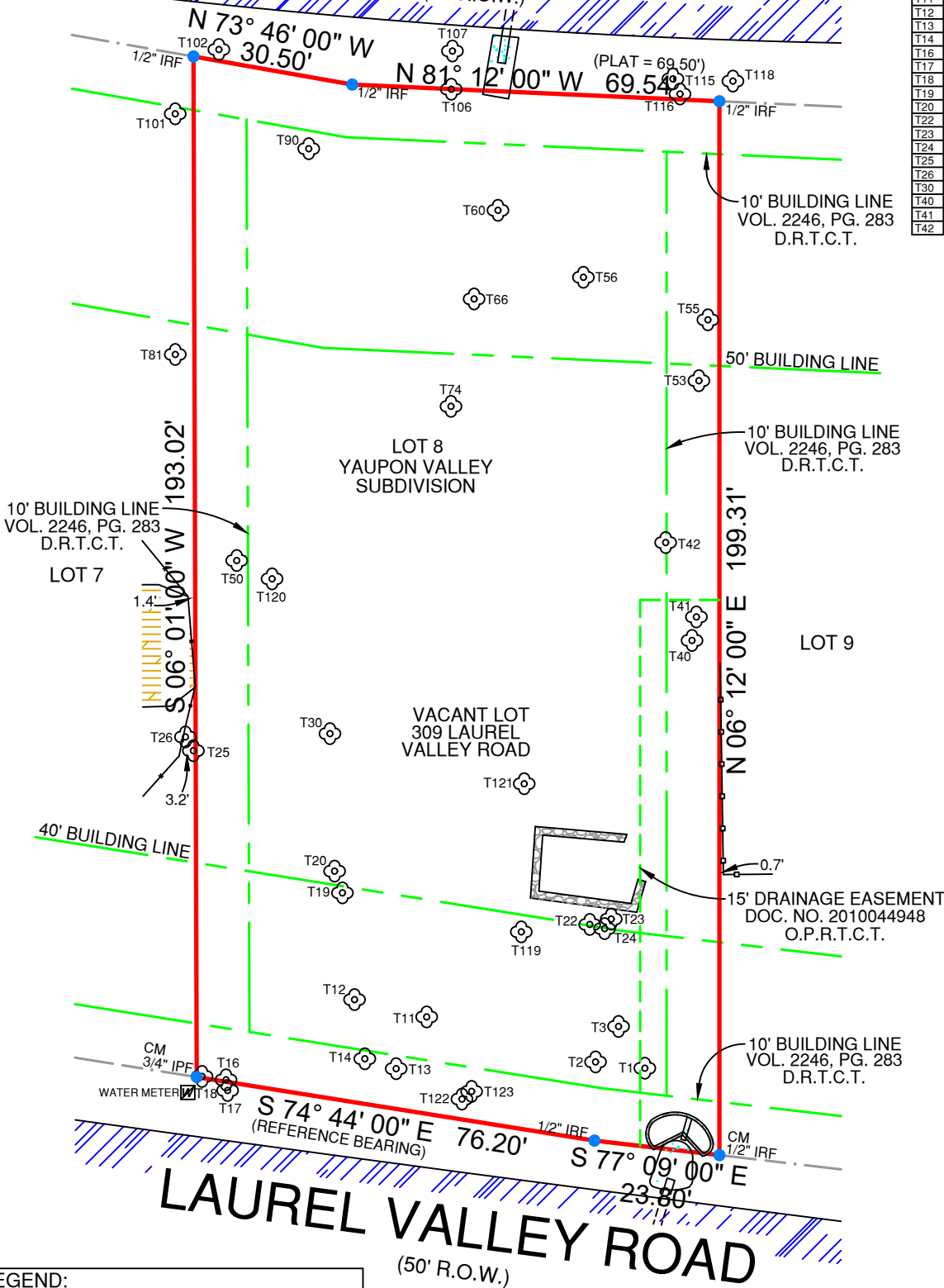
Request #2 — Grading on Slopes Greater Than 35%

Allow for grading up to 18" in areas of slopes greater than 35%, where none is allowed. Drainage/Erosion Control Manual § 7.4.1, Table 7-1

This cut request results from reverse-engineering our building structure from the maximum allowed building height of 32' and working down. As shown in Exhibit 2, our roof and floor structures are already at the minimum size needed for structural and mechanical requirements, and our ceiling heights are 9'-0" on both floors. The cut is simply a consequence of where the building lands on the natural topography using these minimal dimensions.

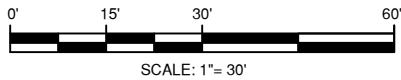
YAUPON VALLEY ROAD

TREE TABLE			
T1	10" TREE	T50	3" ELM
T2	6" & 8" OAK	T53	8" CEDAR
T3	6" OAK	T55	4" CEDAR
T11	9" HACKBERRY	T56	8" OAK
T12	8" & 12" OAK	T60	12" OAK
T13	3" HACKBERRY	T66	6" ELM
T14	3" HACKBERRY	T74	6" ELM
T16	5" OAK	T81	10" OAK
T17	10" & 8" OAK	T90	8" HACKBERRY
T18	10" CEDAR	T101	8" & 12" OAK
T19	6" HACKBERRY	T102	12" & 12" CEDAR
T20	6" HACKBERRY	T106	8" ELM
T22	4" OAK	T107	14" OAK
T23	6" HACKBERRY	T115	4" HACKBERRY
T24	6" HACKBERRY	T116	4" HACKBERRY
T25	12" OAK	T118	6" HACKBERRY
T26	12" & 9" OAK	T119	12" MULTI-TRUNK OAK
T30	3" CEDAR	T120	6" MULTI-TRUNK LIGUSTRUM
T40	14" 6" & 6" OAK	T121	4" YAUPON
T41	10" CEDAR	T122	9" RED OAK
T42	6" CEDAR	T123	8" RED OAK



LEGEND:	
—x—x—	WIRE FENCE
—o—o—	CHAINLINK FENCE
—□—□—	METAL FENCE
—//—//—	WOOD FENCE
—v—v—	VINYL FENCE
—e—e—	ELECTRIC LINE
GM =	GAS METER
EM =	ELECTRIC METER
IPF =	IRON PIPE FOUND
IRS =	IRON ROD SET WITH "PREMIER" CAP
IRF =	IRON ROD FOUND
CM =	CONTROLLING MONUMENT
ASPHALT =	[Pattern]
CONCRETE =	[Pattern]
GRAVEL =	[Pattern]
TILE =	[Pattern]
WOOD =	[Pattern]
BRICK =	[Pattern]
STONE =	[Pattern]
(WOOD) RAILROAD TIE =	[Pattern]

NOTES:
BEARINGS ARE BASED ON THE RECORDED PLAT.
BUILDING LINES ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.



LEGAL DESCRIPTION:
BEING LOT 8, YAUPON VALLEY SUBDIVISION, AN ADDITION TO TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 16, PAGE 44, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

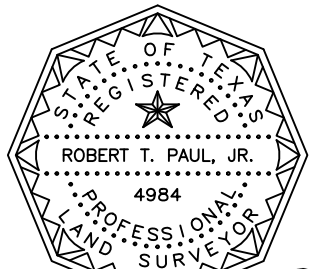
SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND REFLECTS A TRUE AND CORRECT REPRESENTATION OF THE DIMENSIONS AND CALLS OF PROPERTY LINES AND LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, CONFLICTS, INTRUSIONS OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT PROVIDED BY A TITLE COMPANY. THERE MAY BE EASEMENTS AND OTHER MATTERS OF RECORD AFFECTING THE PROPERTY SHOWN HEREON THAT ONLY A PROPER TITLE SEARCH WOULD REVEAL. THIS SURVEY IS SUBJECT TO ANY AND ALL COVENANTS AND RESTRICTIONS PERTAINING TO THE RECORDED PLAT REFERENCED HEREON.

TECH	MSP
FIELD	TM

FLOOD INFORMATION:
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-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. 48453C0445 K, DATED JANUARY 22, 2020.

DATE: 08/31/22 JOB NO.: 19-02287TS
FIELD: 08/25/22 REV.: 09/01/22

309 LAUREL VALLEY ROAD, WEST LAKE HILLS, TX 78746
LOT 8, YAUPON VALLEY SUBDIVISION



Robert T. Paul, Jr.
Registered Professional Land Surveyor



5700 W. Plano Parkway
Suite 1200
Plano, Texas 75093
972-612-3601 (O) | 855-892-0468 (F)
www.premiersurveying.com
premierorders@premiersurveying.com

DATE: _____

ACCEPTED BY: _____

Premier
Surveying LLC
5700 W. Plano Parkway
Suite 1200
Plano, Texas 75093
Office: 972-612-3601
Fax: 855-892-0468
Firm Registration No. 10146200

PROJECT

SCHMERGEL
RESIDENCE

309 LAUREL VALLEY RD
WEST LAKE HILLS, TEXAS 78746

CLIENTS

GRAHAM & PAIGE SCHMERGEL

DESIGN

MATT GARCIA DESIGN
CONTACT: MATT GARCIA
EMAIL: mattgarciaesign@gmail.com
PHONE: 210.861.0978

PROJECT DATA

309 LAUREL VALLEY RD
WEST LAKE HILLS, TX 78746
JURISDICTION: WESTLAKE
ZONING: R-1
COUNTY: TRAVIS

LEGAL DESCRIPTION

LOT 8 YAUPOON VALLEY SUBDIVISION

AREA CALCULATIONS

LOT (PER SURVEY) 19,397 SF (1.44 ACRES)
IMPERVIOUS ALLOWED 25% (4,899 SF)

BUILDING COVERAGE

BUILDING FOOTPRINT (MAIN LEVEL) 2,210 SF
GARAGE 935 SF
MAIN LEVEL DECK 785 SF
POOL, COATING 85 SF
LOWER WOOD DECK (B 50%) 195 SF

TOTAL BUILDING COVERAGE 3,805 SF
BUILDING COVERAGE % 19.6%

IMPERVIOUS COVERAGE

BUILDING COVERAGE 3,805 SF
ENTRY STEPS / BRIDGE WOOD (B 50%) 415 SF
DRIVEWAYS (CONCRETE ONLY) 200 SF
POOL

TOTAL IMPERVIOUS COVERAGE 4,805 SF (24.82%)
IMPERVIOUS COVERAGE ALLOWED 4,899 SF (25%)

SITE GENERAL NOTES

1. NO UNDERGROUND UTILITY TRENCHES PERMITTED IN THE 1/2 CRITICAL ROOT ZONE OR WITHIN 12" OF THE TRUNK, WHICHEVER DISTANCE IS GREATER.
2. TREE PROTECTION FENCING TO BE INSTALLED AT THE 1/2 CRZ OF TREES WITHIN THE AREAS OF CONSTRUCTION, STORAGE OR TRANSPORT IMPACT.
3. CONTRACTOR TO SET UP ON-SITE PRE-CONSTRUCTION MEETING WITH ARBORIST AND MATT GARCIA DESIGN TO REVIEW TREE PROTECTION.
4. NO PIERS WITHIN 5' OF TREE TRUNKS.
5. NO ACCESS, PARKING OR MATERIAL STORAGE WITHIN LIMITS OF TREE PROTECTION FENCE.
6. ALL ROOT CUTS TO BE CLEAN (NO FRAYED EDGES).
7. FERTILIZE TREE ROOTS AND PROVIDE IRRIGATION DURING CONSTRUCTION ON A REGULAR BASIS.
8. APPLY MULCH AT CRITICAL ROOT ZONES OF ALL TREES.
9. MINIMIZE DISTURBANCE OF EXISTING GRADE AND LANDSCAPE WHEREVER POSSIBLE, WHILE PROVIDING POSITIVE DRAINAGE AWAY FROM THE HOUSE.
10. AFTER CONSTRUCTION, AIRGRADE ALL TREES WHERE CONSTRUCTION ACTIVITIES HAVE COMPACTED SOIL WITHIN THE CRITICAL ROOT ZONE.
11. COORDINATE AREAS FOR MATERIAL STORAGE AND DELIVERY WITH MDO AND PREPARE SUCH AREAS SO THAT THEY CAN BE EFFECTIVELY USED FOR DELIVERIES.
12. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING AND REGULARLY INSPECTING THE SILT FENCE DURING CONSTRUCTION/DEMOLITION, INCLUDING THE REMOVAL AND PROPER DISPOSAL OF ANY ACCUMULATED SILT AND DEBRIS.
13. CONTRACTOR WILL NOT BEGIN WORK UNTIL THE SILT FENCE AND TREE PROTECTION HAVE BEEN INSTALLED.
14. NOTIFY "ONE-CALL" OR APPROPRIATE AUTHORITY TO LOCATE EXISTING UTILITY LINES AND PROTECT ALL UTILITIES FROM EXCAVATION OR SIMILAR HAZARDS.
15. PROTECT STRUCTURES, SIDEWALKS, PAVEMENTS AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT AND OTHER HAZARDS CREATED BY EARTHWORK OPERATIONS.
16. LIMITS OF CONSTRUCTION - THIS SITE IS NOT SUBJECT TO LIMITS OF CONSTRUCTION. ALL AREAS OF THE SITE CAN BE UTILIZED FOR CONSTRUCTION ACTIVITY EXCEPT AREAS REQUIRED FOR TREE PROTECTION.

ABBREVIATIONS

TPF - TREE PROTECTION FENCE
PSRW - PLATE STEEL RETAINING WALL
TOW - TOP OF WALL

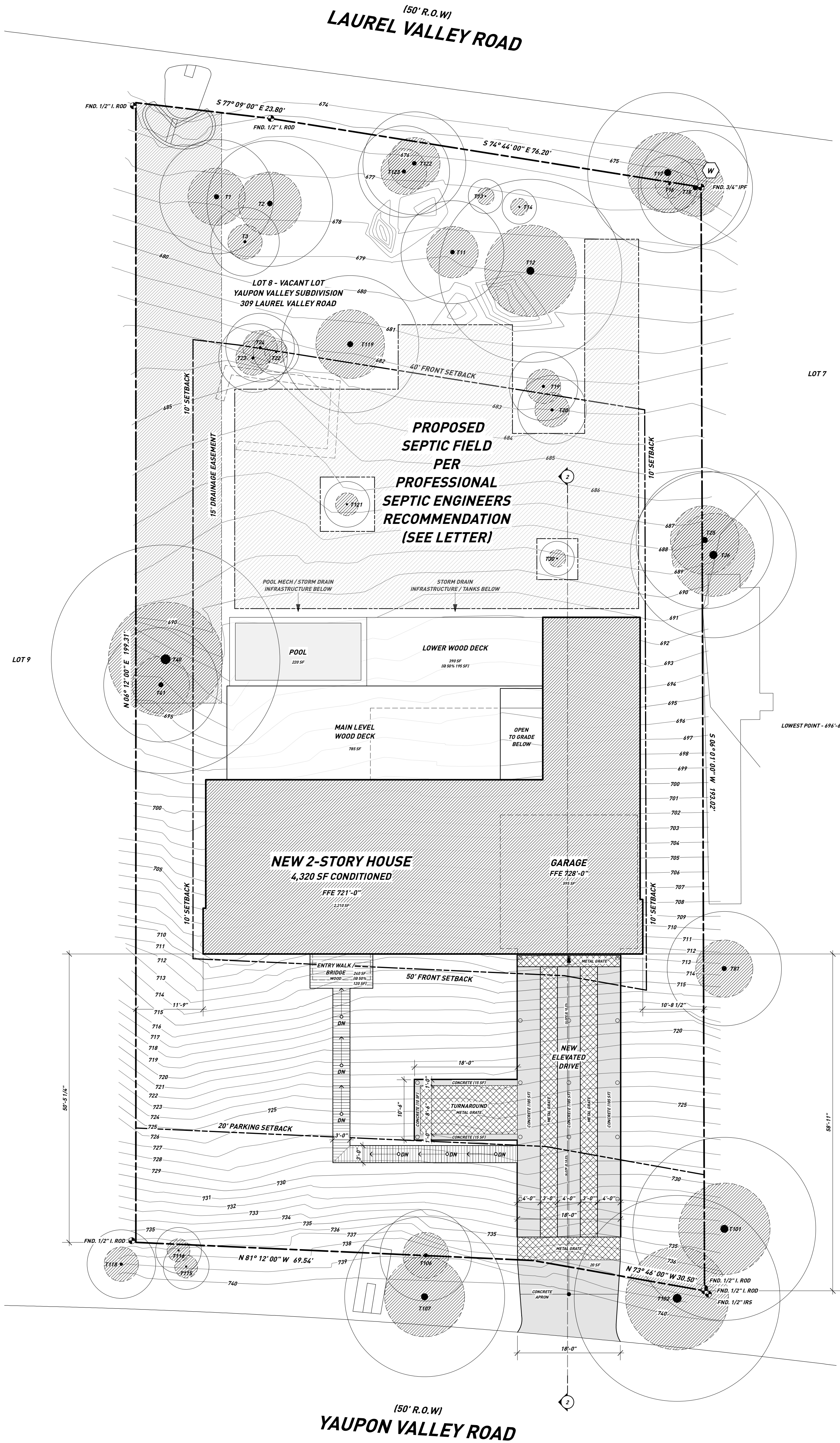
TREE PLAN NOTES

- MAIN SITE ACCESS ROUTE
- HALF CRZ OF PROTECTED TREES
- TEMPORARY TREE PROTECTION FENCING (CHAIN LINK, 5' TALL)
- 8" MULCH LAYER

1. PRIOR TO DEVELOPMENT, CONTRACTOR TO PROVIDE A ROOT ZONE MULCH LAYER AND MAINTAIN TREE PROTECTION FENCING (CHAIN LINK, FIVE FOOT TALL) FOR ALL PROTECTED TREES ON THE SITE FOR THE DURATION OF THE PROJECT. SEE DIAGRAM ABOVE.
2. A 8" LAYER OF MULCH WITHIN THE ENTIRE AVAILABLE ROOT ZONE AREA IS REQUIRED FOR TREES WHICH HAVE ANY DISTURBANCE INDICATED WITHIN ANY PORTION OF THE CRITICAL ROOT ZONE. SEE DIAGRAM BELOW.
3. THERE SHALL BE NO UTILITY ROUTES OR METERS WITHIN THE 1/2 CRZ OF PROTECTED TREES ON THE SITE.
4. THERE SHALL BE NO ACCESS ROUTES, MATERIAL STAGING, CONCRETE WASHOUTS, DUMPSTERS, SCAFFOLDING, OR PORTABLE TOILETS WITHIN THE CRZ OF PROTECTED TREES ON THE SITE.
5. 2x4 PLANKS, 4" TALL MIN. TO BE STRAPPED SECURELY AROUND ALL PROTECTED TREE TRUNKS AND ROOT FLARES WHEN PROTECTIVE FENCING DOES NOT INCORPORATE THE ENTIRE 1/2 CRZ FOR ANY REASON AT ANY TIME IN THE PROJECT. SEE DIAGRAM BELOW.
6. THERE SHALL BE NO PRUNING OF PROTECTED TREES WITHOUT THE ASSESSMENT BY A PRIVATE CERTIFIED ARBORIST. PRO RECEIPTS FOR ANY NEEDED WORK ON PROTECTED SIZE TREES WILL BE REQUIRED BY THE FINAL TREE INSPECTION.
7. AT LEAST 50% OF THE TOTAL AREA OF THE CRITICAL ROOT ZONE OF PROTECTED TREES MUST BE PRESERVED AT NATURAL GRADE WITH NATURAL GROUND COVER PER ECH SECTION 1.2.2.

EXIST TREE LIST

T1	10" TREE	T81	10" OAK
T2	6" & 8" OAK	T101	8" & 12" OAK
T3	4" OAK	T102	12" & 12" CEDAR
T11	9" HACKBERRY	T106	8" ELM
T12	8" & 12" OAK	T107	14" OAK
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T22	4" OAK		
T23	4" HACKBERRY		
T24	4" HACKBERRY		
T25	12" OAK		
T26	12" & 1" OAK		
T28	3" CEDAR		
T40	14" 6" & 8" OAK		
T41	10" CEDAR		



1

SITE PLAN
1" = 10' ft

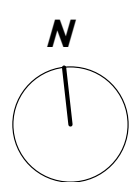
TITLE

SITE PLAN

DATE

JULY 20 2026

SHEET



PROJECT

SCHMERGEL
RESIDENCE

309 LAUREL VALLEY RD
WEST LAKE HILLS, TEXAS 78746

CLIENTS

GRAHAM & PAIGE SCHMERGEL

DESIGN

MATT GARCIA DESIGN
CONTACT: MATT GARCIA
EMAIL: mattgarcia@gmail.com
PHONE: 210.861.0978

ISSUE

VARIANCE SUBMITTAL - 2025 DEC 15
VARIANCE SUBMITTAL - 2026 JAN 30
VARIANCE SUBMITTAL - 2026 MAR 04
VARIANCE SUBMITTAL - 2026 MAR 11
VARIANCE SUBMITTAL - 2026 MAY 11
BOA SUBMITTAL - 2026 JULY 20

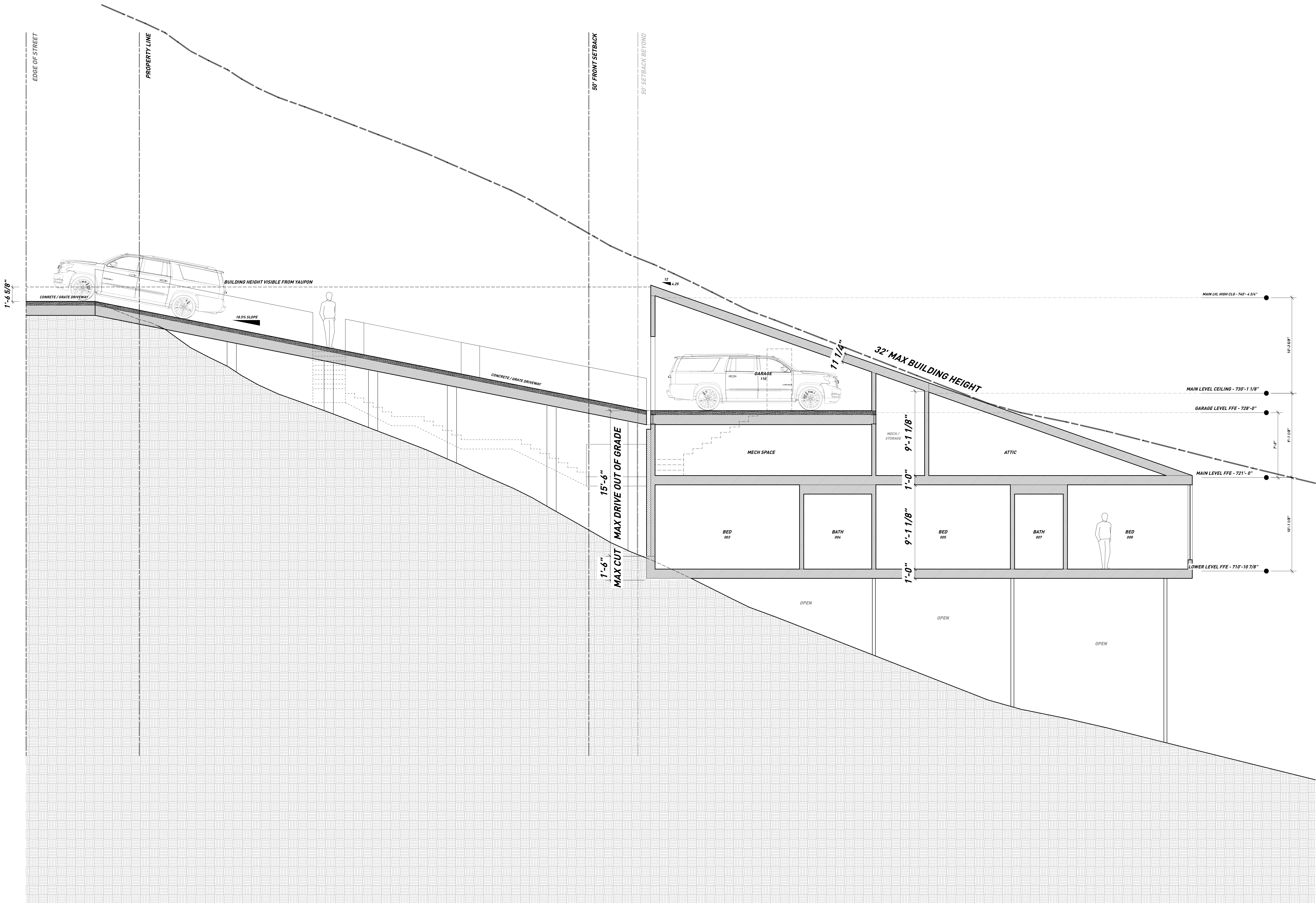
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SECTION

JULY 20 2026



1 BUILDING SECTION
1/4" = 1'-0"

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TITLE

LOWER LEVEL PLAN

DATE

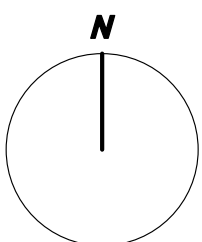
JULY 20 2026

SHEET



1 LOWER FLOOR PLAN
1/4" = 1'-0"

MAIN LEVEL (CONDITIONED)	1,685 SF
LOWER LEVEL (CONDITIONED)	2,635 SF
GARAGE	595 SF
TOTAL CONDITIONED	4,920 SF
5 BEDROOM/5.5 BATH	



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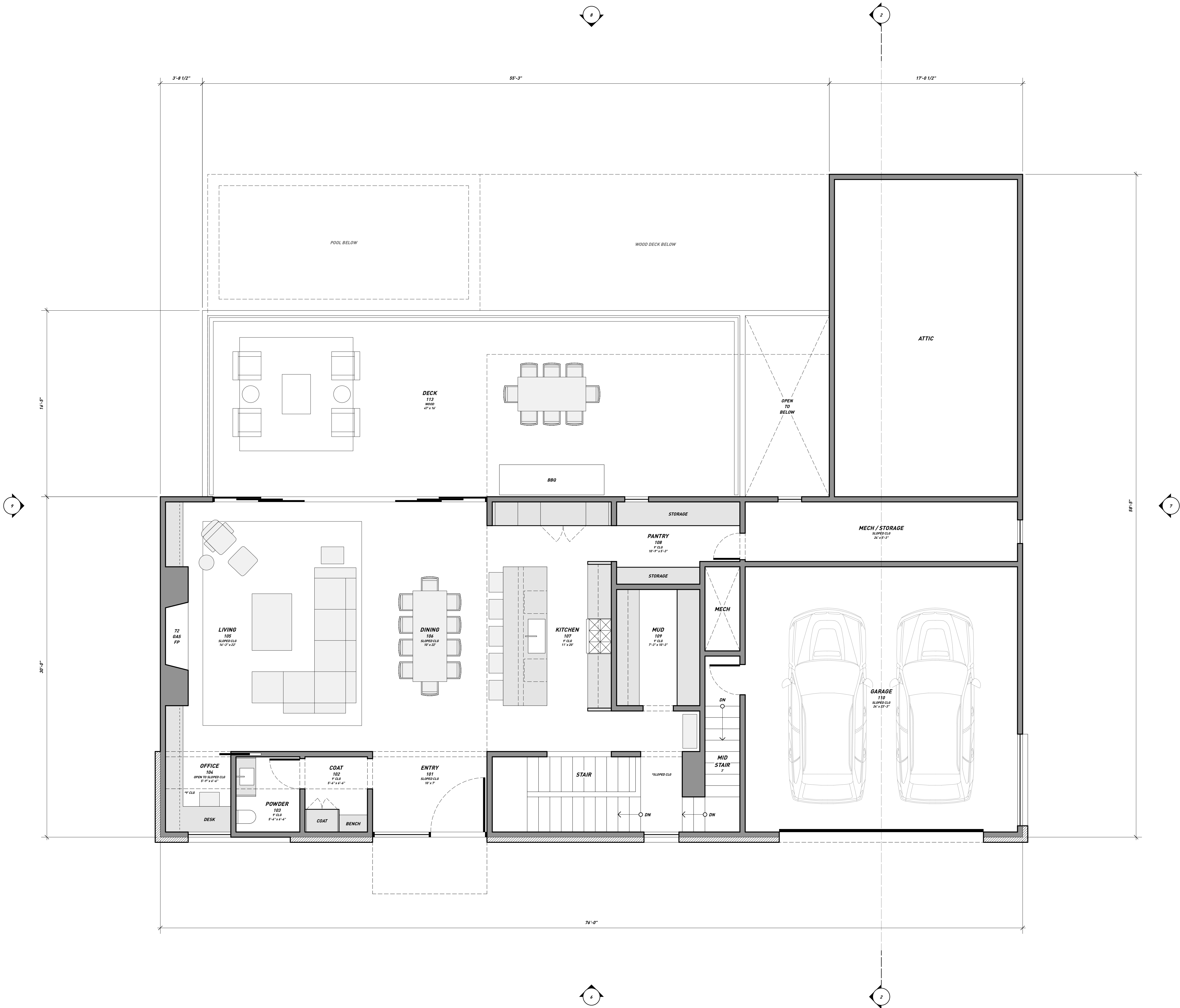
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MAIN LEVEL PLAN

DATE

JULY 20 2026

SHEET



1 MAIN FLOOR PLAN
1/4" = 1'-0"

MAIN LEVEL (CONDITIONED)	1,685 SF
LOWER LEVEL (CONDITIONED)	2,635 SF
GARAGE	595 SF
TOTAL CONDITIONED	4,920 SF
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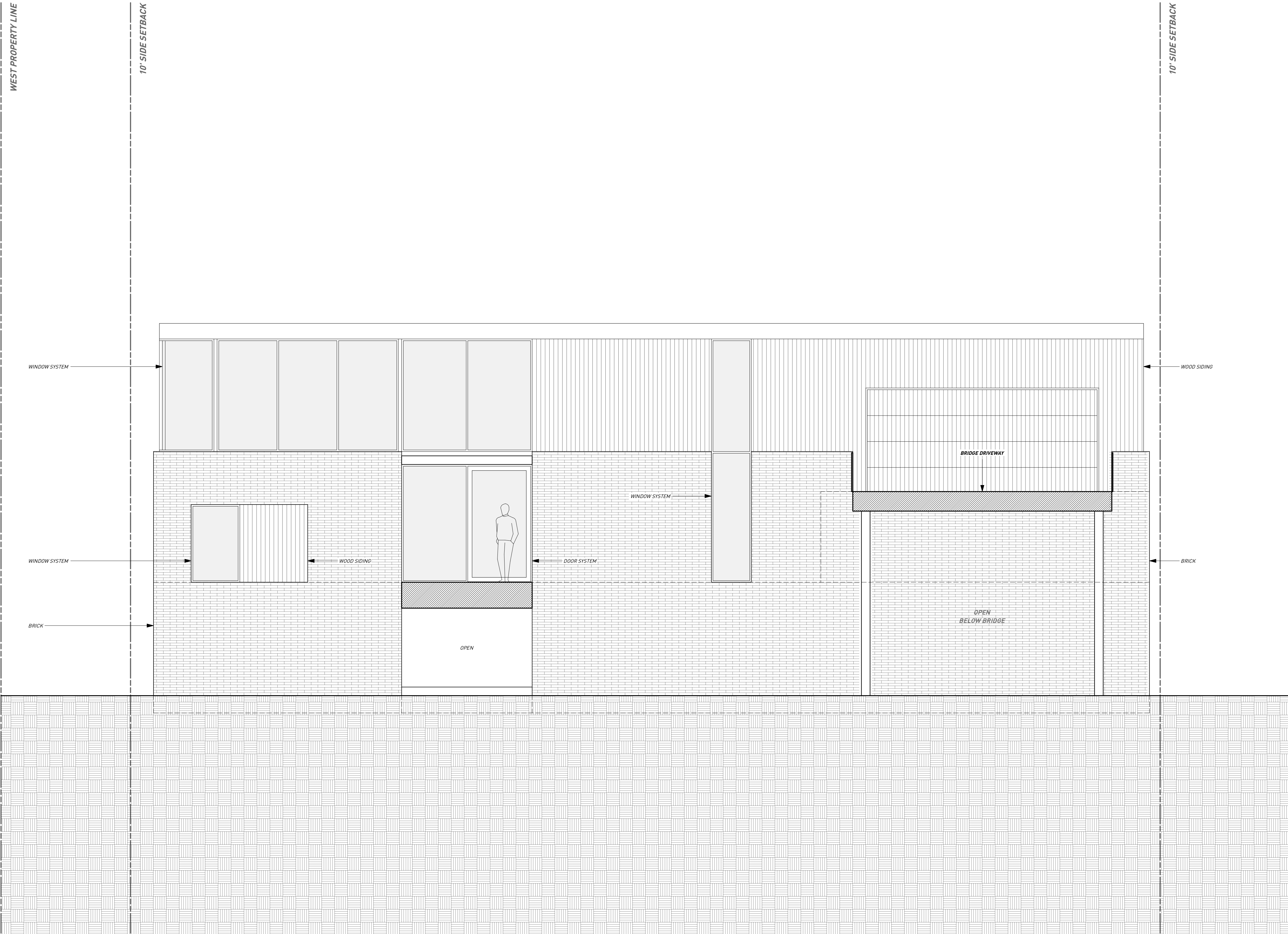
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ELEVATIONS

DATE

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SHEET



1 SOUTH ELEVATION
1/4" = 1'-0"

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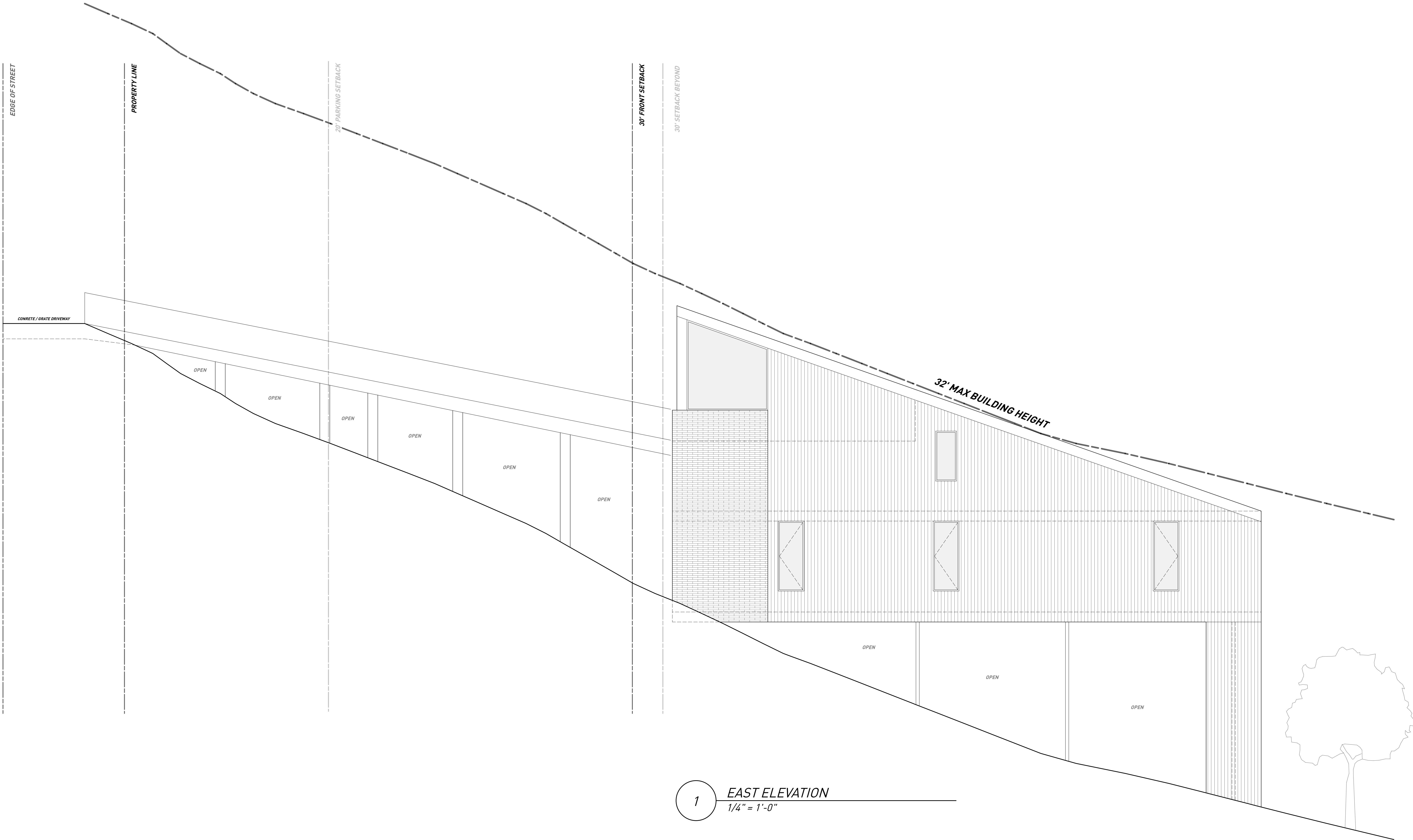
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1 EAST ELEVATION
1/4" = 1'-0"

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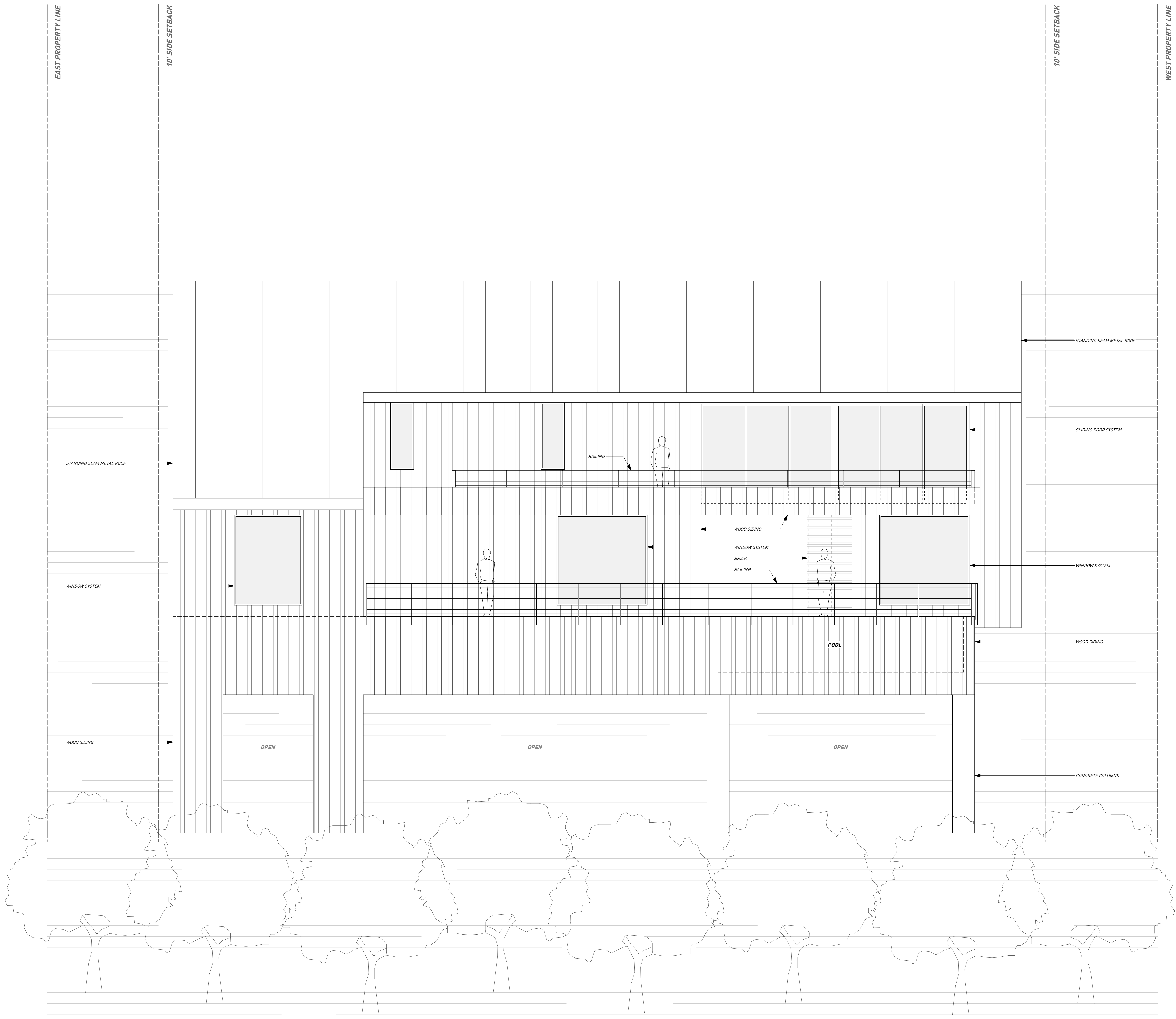
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SHEET



1

NORTH ELEVATION
1/4" = 1'-0"

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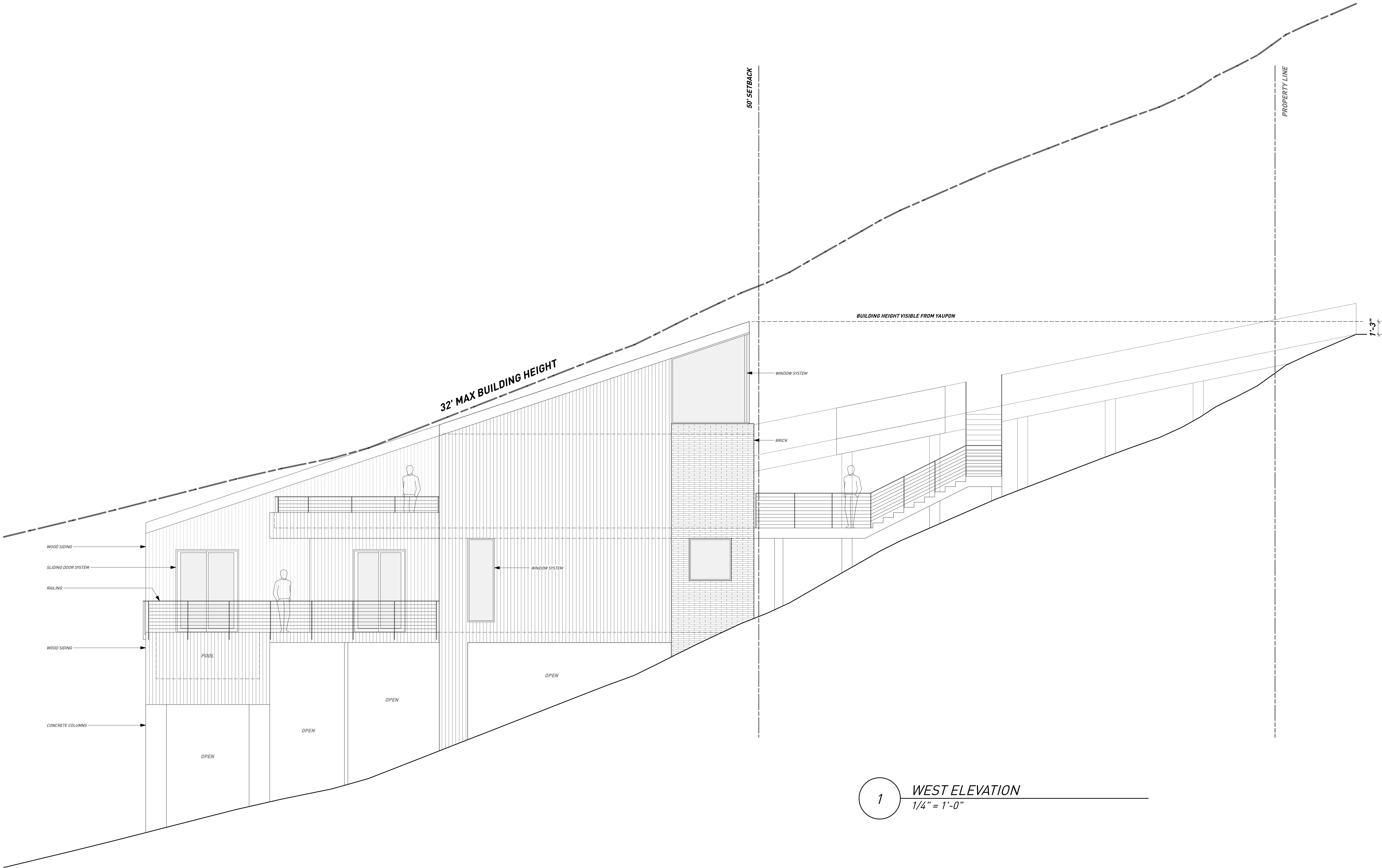
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ELEVATIONS

JULY 20 2026



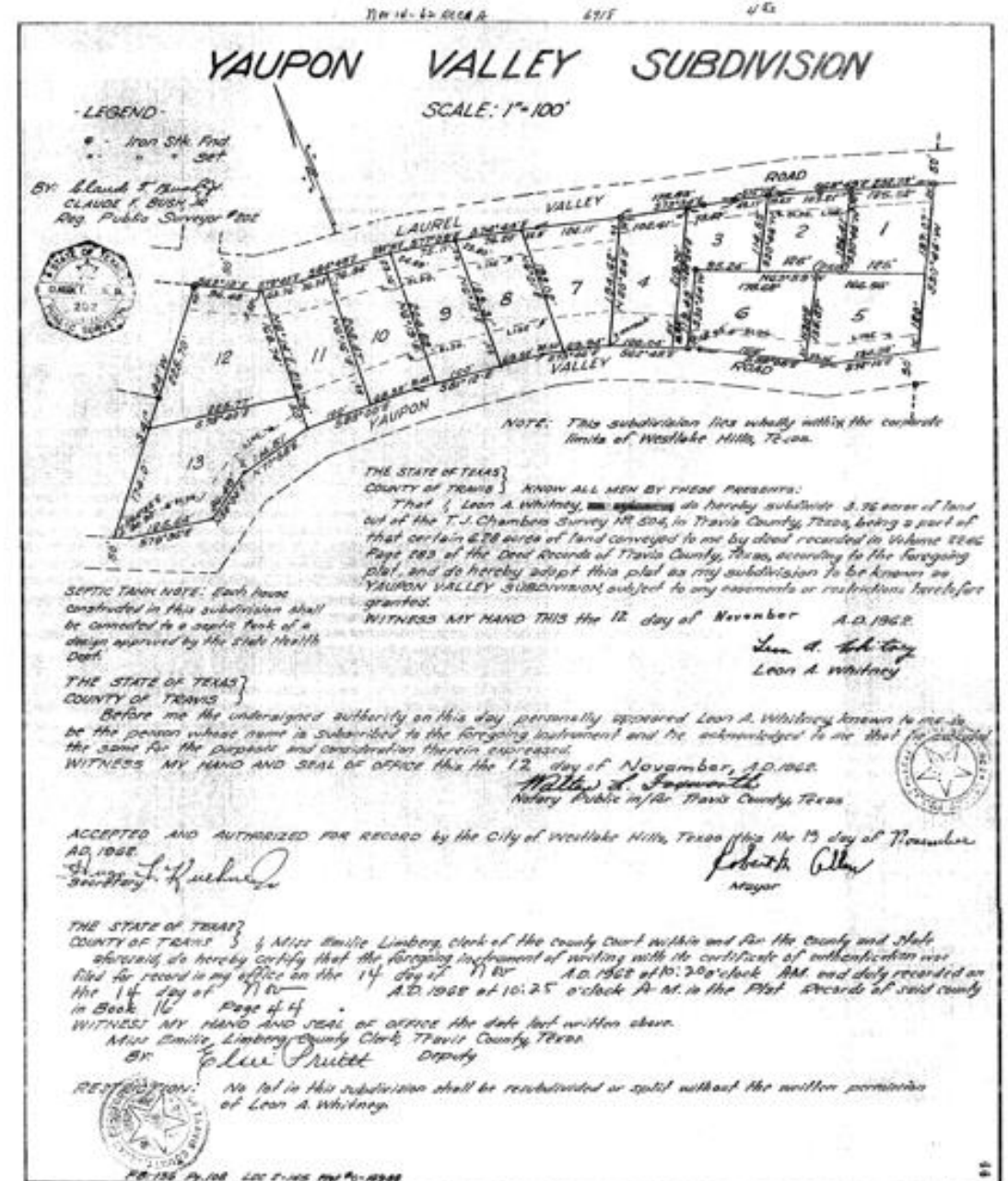
309 LAUREL VALLEY

VARIANCE REQUESTS

- 1. ALLOW A DRIVEWAY 15-6" OUT OF NATURAL GRADE WHEN 6'-0" IS THE MAXIMUM ALLOWED.***
- 2. ALLOW 18" OF CUT INTO NATURAL GRADE WHEN NONE IS ALLOWED.***

HISTORY OF PROPERTY

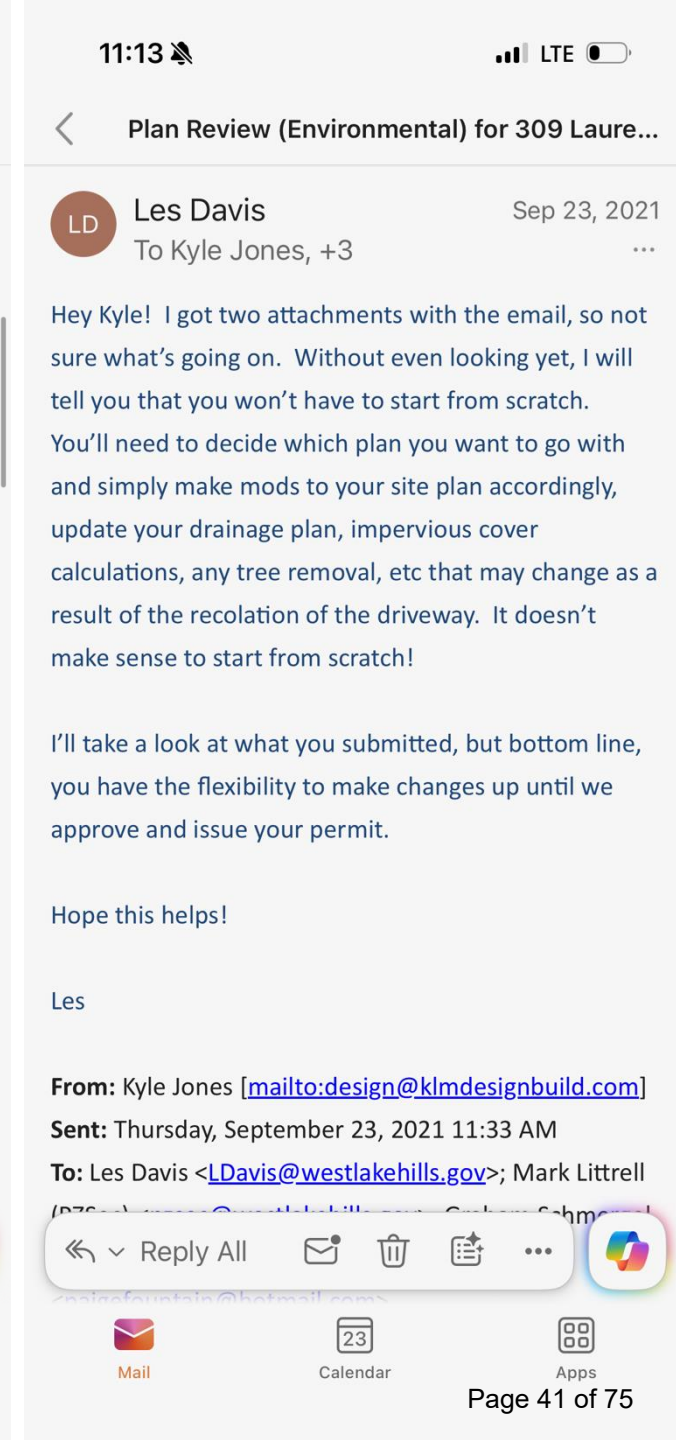
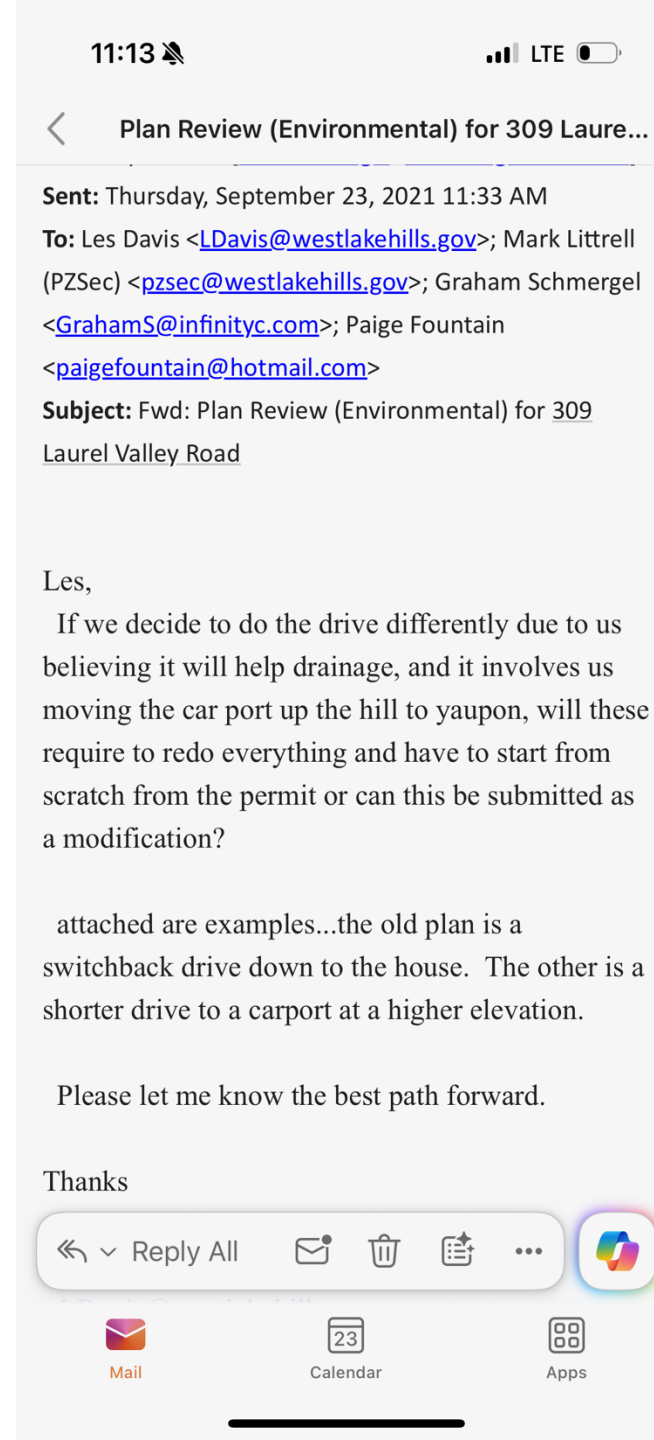
- ORIGINAL PLAT WITH ENFORCEABLE SETBACKS



HISTORY OF PROPERTY

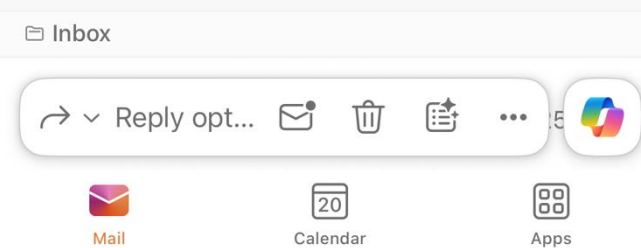
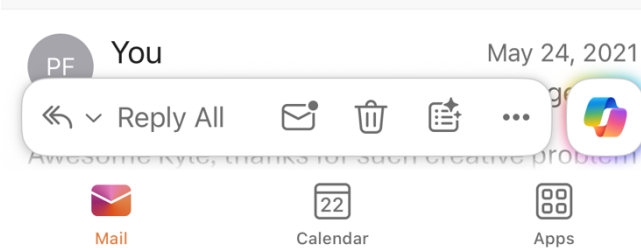
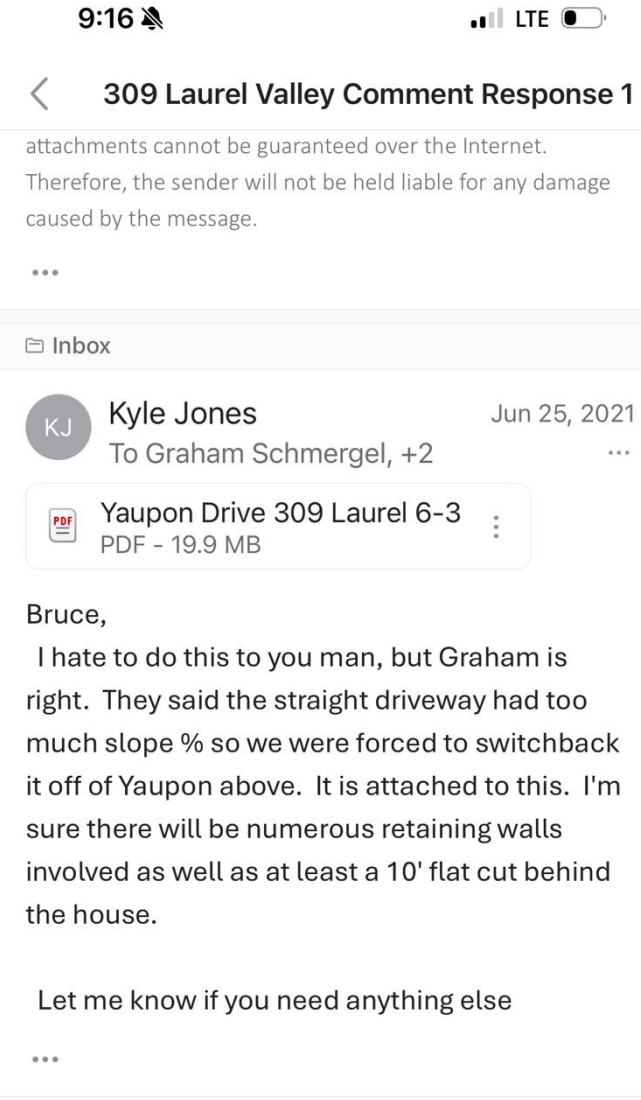
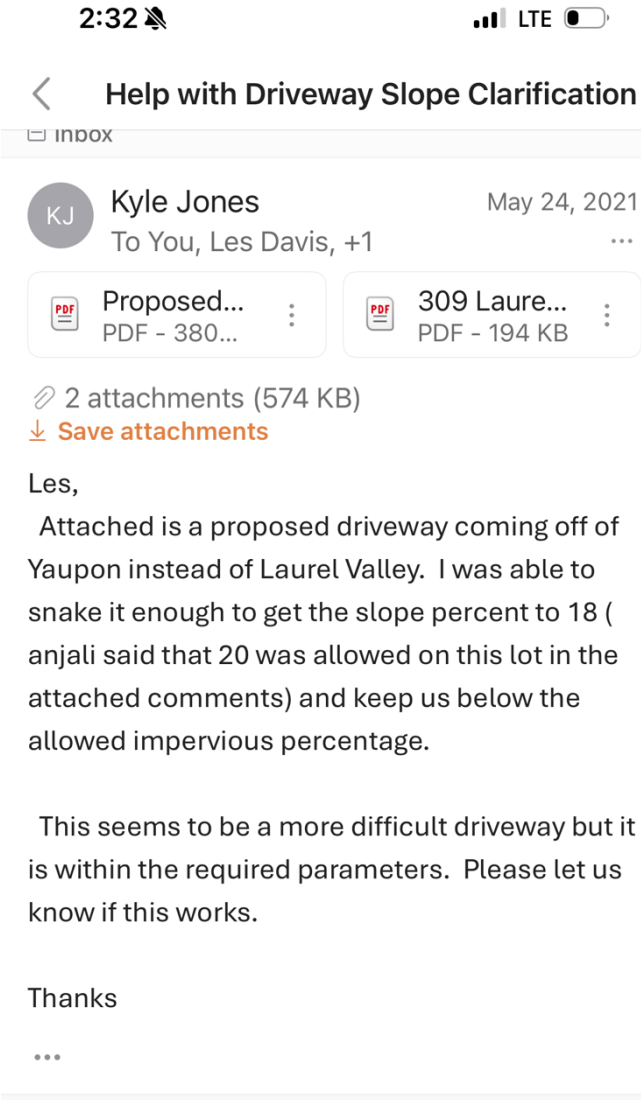
- **PLANS FOR A HOUSE EXHAUSTIVELY STUDIED COMING OFF OF LAUREL VALLEY THROUGHOUT 2020.**
- **CLIENTS AND PREVIOUS BUILDING DESIGNER WORKED CLOSELY WITH LES DAVIS AND ANJALI NAINI THROUGHOUT DESIGN.**
- **AFTER COUNTLESS STUDIES, ALL VERSIONS REQUIRED MULTIPLE VARIANCES.**
- **AT THE DIRECTION OF LES DAVIS AND CITY OF WESTLAKE STAFF, THE OWNERS AND BUILDING DESIGNER ADVISED TO STUDY OPTIONS COMING OFF OF YAUPON VALLEY IN 2021.**

EMAILS BETWEEN PREVIOUS DESIGNER
AND WESTLAKE STAFF DISCUSSING THE
MOVE UPHILL



HISTORY OF PROPERTY

EMAILS DISCUSSING THE DRIVEWAY
MOVE TO YAUPON BASED ON CITY OF
WESTLAKE STAFF REQUIREMENT



HISTORY OF PROPERTY

• **PREVIOUS YAUPON VALLEY DRIVEWAY DESIGN REQUIRED 3 VARIANCES. ALL WERE APPROVED BY BOARD OF ADJUSTMENTS.**

• **A FOURTH VARIANCE WAS MISSED FOR A DRIVEWAY OVER 20% MAX SLOPE.**



City of West Lake Hills

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

April 19, 2022

Graham Schmergel
5 Redbud Cove
West Lake Hills, Texas 78746

via e-mail: grahams@infinityc.com

Re: Land Use; **309 Laurel Valley Road**: Discuss and consider action on an application for a variance request to exceed the maximum allowed cut and fill and retaining wall in the front setback, construct on slopes greater than the maximum allowed and a front driveway setback encroachment (West Lake Hills Code Section 22.03.175, 22.03.170 and Drainage Criteria Manual Section 7.4.1).

Dear Graham:

The City of West Lake Hills Board of Adjustment unanimously approved (5-0) the above referenced variances on Wednesday, April 13, 2022.

All approved variances must be acted upon within one year of the approval date.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Littrell".

Mark Littrell
Zoning & Planning Secretary

APPROVAL LETTER FROM CITY
OF WESTLAKE HILLS

• THE APPROVED DRIVEWAY DESIGN HAD A DANGEROUS AND UNBUILDABLE 45% SLOPE!!!!

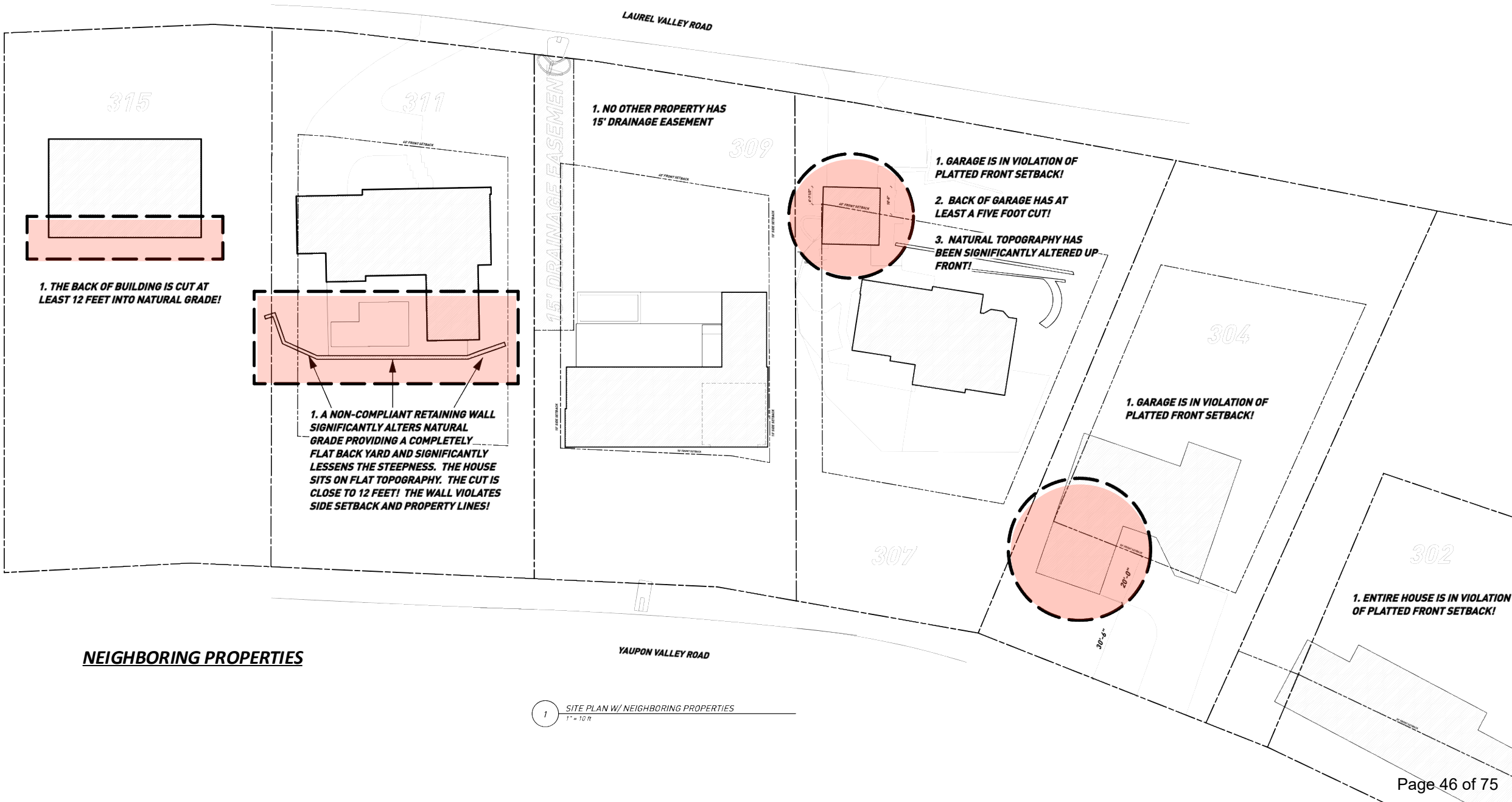
- PREVIOUS DRIVEWAY DESIGN*



NEIGHBORING PROPERTIES

- *HALF OF THE LOTS IN THE SUBDIVISION ARE ACCESIBLE FROM BOTH LAUREL AND YAUPON VALLEY. THERE IS AN EVEN MIX OF APPROACHES.*
- *EVERY IMMEDIATE NEIGHBOR HAS MODERN CODE VIOLATIONS THAT HELP THEIR PRJOECTS WORK ON THESE EXTREME SLOPES. THEY DO NOT WORK WITHOUT THESE MODIFICATIONS.*

- 1. 315 LAUREL VALLEY HAS AT LEAST A 12' CUT INTO NATURAL GRADE WHEN ZERO IS ALLOWED.*
- 2. 311 LAUREL VALLEY HAS A 12' RETAINING WALL CUT THAT SIGNIFICANTLY ALTERED NATURAL GRADE WHEN NONE IS ALLOWED.*
- 3. 307 LAUREL VALLEY HAS A FRONT SETBACK VIOLATION AND HAS A 6' CUT INTO NATURAL GRADE WHEN ZERO IS ALLOWED. THE FRONT SETBACK BENEFITS THEIR GARAGE PLACEMENT.*
- 4. 304 YAUPON VALLEY HAS A FRONT SETBACK VIOLATION. THE SETBACK BENEFITS THEIR GARAGE PLACEMENT.*
- 5. 302 YAUPON VALLEY HAS MULTIPLE BUILDING AND SETBACK VIOLATIONS.*



NEIGHBORING PROPERTIES



**307 LAUREL VALLEY
5 TO 6 FOOT CUT INTO
NATURAL GRADE**



**315 LAUREL VALLEY
12 FOOT CUT INTO
NATURAL GRADE**

SOLUTION

- **REQUIRES ONLY TWO VARIANCES, THE LEAST AMOUNT NECESSARY OF ALL POSSIBLE OPTIONS.**
- **GUARANTEED SUCESSFUL SEPTIC SYSTEM DUE TO USE OF GRAVITY AND PLACING IN LESS STEEP AREA OF SITE PER PROFESSIONAL RECOMMENDATION.**
- **CUT REQUEST OF 18" IS BY FAR LESS THAN THE NEIGHBORS HAVE UTILIZED AND BENEFITED FROM.**
- **ELEVATED DRIVE IS THE ONLY SAFE OPTION POSSIBLE. BENEFITS INCLUDE....**
 1. **REQUIRES ONLY ONE VARIANCE FOR HEIGHT OUT OF GRADE.**
 2. **ALLOWS NATURAL DRAINAGE**
 3. **REQUIRES THE LEAST AMOUNT OF IMPERVIOUS COVERAGE**
 4. **REQUIRES THE LEAST AMOUNT OF SITE DISTURBANCE**
 5. **ALLOWS SUNLIGHT TO REACH NATURAL GRADE**
 6. **SLOPE IS UNDER MAX ALLOWED**
- **PREVIOUSLY APPROVED DRIVEWAY REQUIRED 4 VARIANCES.**

May 8, 2026

RE:

Septic Site Suitability Letter
309 Laurel Valley Road
West Lake Hills, Texas 78746

To whom it may concern,

Reviewing the architectural plans and performing a site visit. It is in my professional opinion, that the best area for a septic for new construction on 309 Laurel Valley Road, would be downslope in the flatter area between contour lines 680 and 690. I also believe that putting the septic field uphill from the home on the steeper slope, could pose potential seep issues in the future.

Please let me know if I can provide more information.

Thanks,



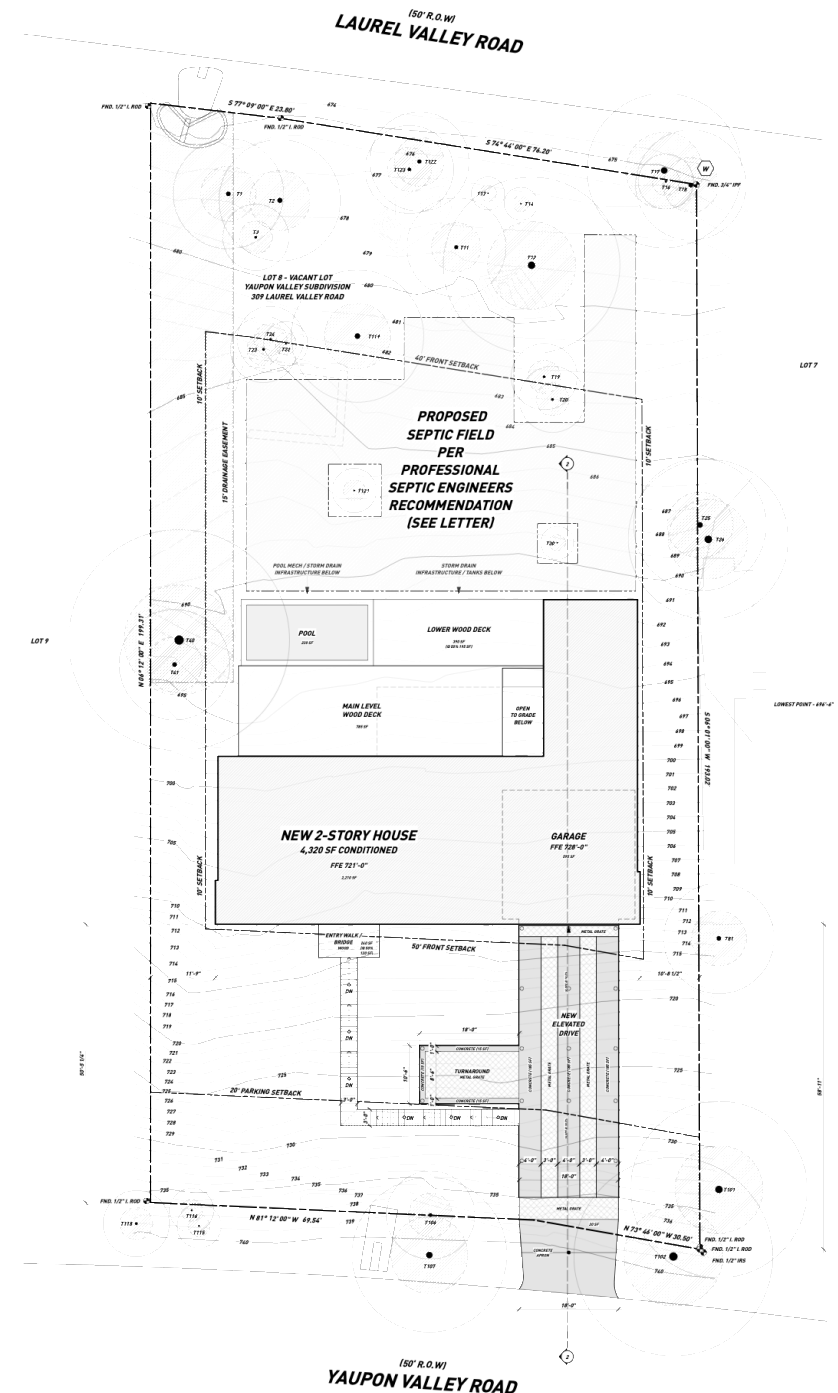
Stephen Jetton

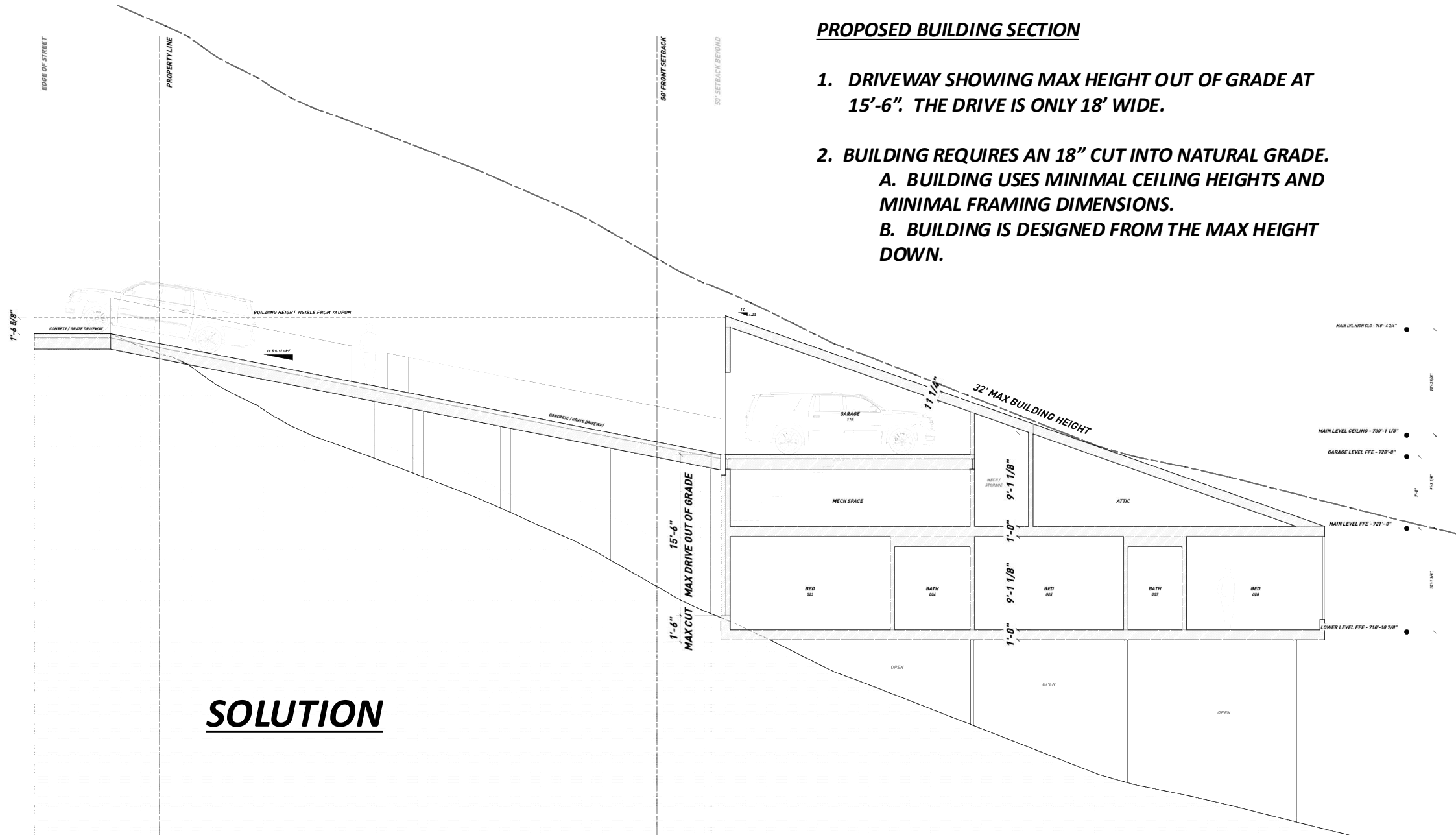
**RECOMMENDATION
LETTER FROM
PROFESSIONAL SEPTIC
ENGINEER**

SOLUTION

- **REQUIRES ONLY TWO VARIANCES, THE LEAST AMOUNT NECESSARY OF ALL POSSIBLE OPTIONS.**
- **GUARANTEED SUCESSFUL SEPTIC SYSTEM DUE TO USE OF GRAVITY AND PLACING IN LESS STEEP AREA OF SITE PER PROFESSIONAL RECOMMENDATION.**
- **CUT REQUEST OF 18" IS BY FAR LESS THAN THE NEIGHBORS HAVE UTILIZED AND BENEFITED FROM.**
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 5. **ALLOWS SUNLIGHT TO REACH NATURAL GRADE**
 6. **SLOPE IS UNDER MAX ALLOWED**
- **PREVIOUSLY APPROVED DRIVEWAY REQUIRED 4 VARIANCES.**

PROPOSED
SITE PLAN

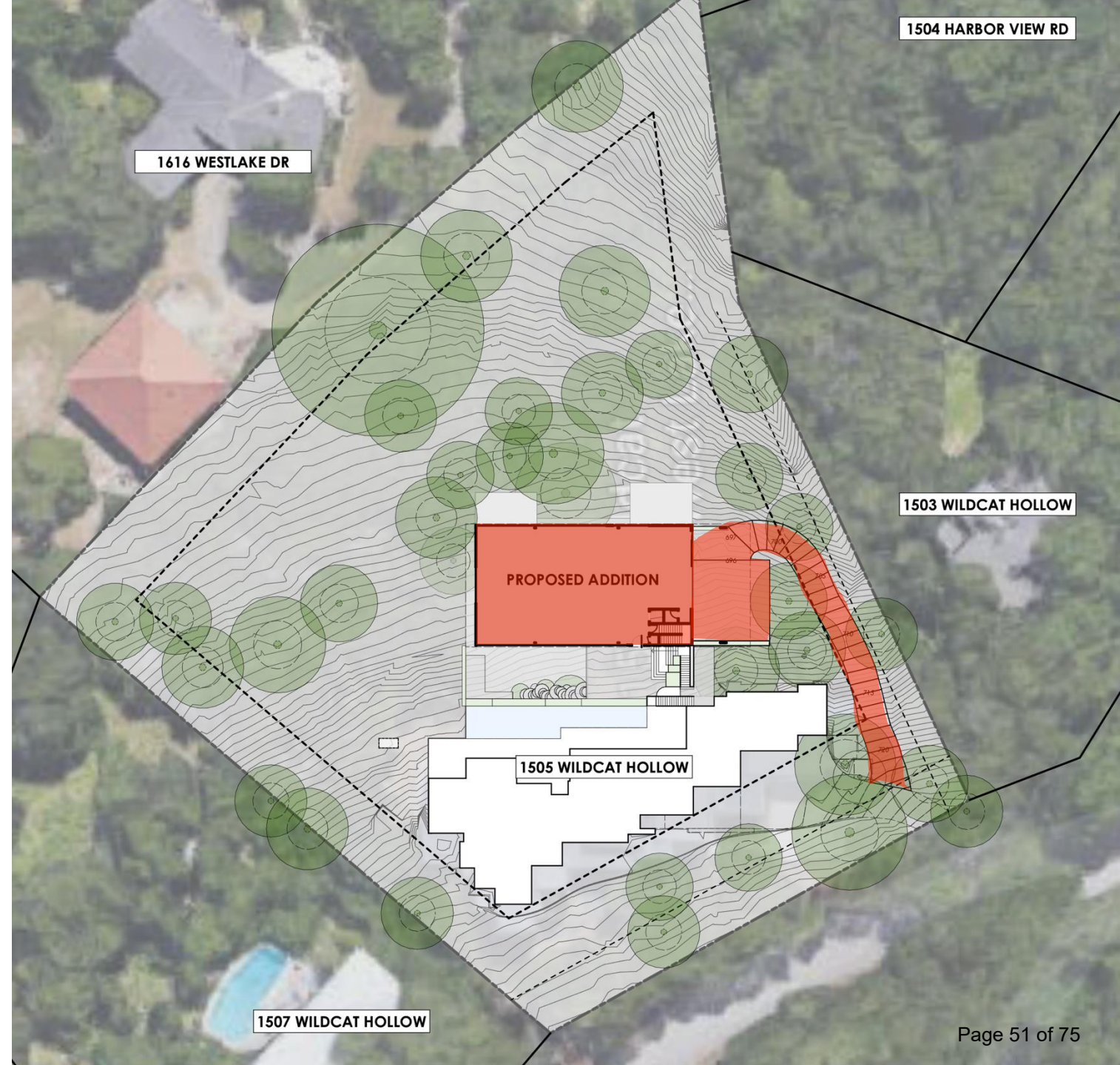




1505 WILDCAT HOLLOW COMPARISON

- **THIS COMPARISON IS NOT APPLES TO APPLES AND NOT FAIR FOR COMPARISON.**
- **1505 WILDCAT HOLLOW ASKED FOR A 125'-0" LONG ADDITIONAL ELEVATED DRIVEWAY THAT CONNECTED TO A HUGE BUILDING ADDITION FOR A 20+ CAR GARAGE. A 100% DESIGN DRIVEN EXERCISE. SHOWN IN RED. EXISTING HOME IN WHITE.**
- **1505 ALREADY HAD AN APPROPRIATELY SIZED HOME, GARAGE AND DRIVEWAY.**
- **309 LAUREL VALLEY HAS NEVER BEEN DEVELOPED.**
- **309 LAUREL VALLEY IS ASKING FOR A 55'-0" LONG DRIVEWAY TO CONNECT TO A 2 CAR GARAGE.**

1505 PROPOSED
SITE PLAN



1505 WILDCAT HOLLOW **COMPARISON**

- **THE SCALE OF THIS IS RIDICULOUS AND FAR BEYOND THE SCOPE OF OUR PROJECT.**



*1505 PROPOSED DRIVEWAY
AND BUILDING ADDITION*

1505 WILDCAT HOLLOW
COMPARISON

*309 LAUREL VALLEY PROPOSED
DRIVEWAY AND BUILDING DESIGN*



SUPPORTING DOCUMENTS



December 9, 2025

Ms. Jennifer C. Bills
City of Westlake Hills
Building & Development Services

RE: Drainage Plan Narrative
309 Laurel Valley Rd.
West Lake Hills, TX 78746

Dear Ms. Bills,

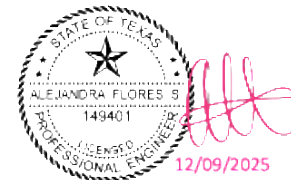
The subject project is currently undeveloped and proposes the construction of one single-family house with an outdoor deck, pool, and a driveway access. The property is zoned residential R-1, is located within the Edwards Aquifer Contributing Zone, but it is not within the FEMA floodplain per FEMA map no. 48453C0445K.

The topography indicates a noticeable drop in grade from the southern boundary of the lot towards the north, where an existing storm inlet collects runoff from surrounding area. Given these conditions, the drainage patterns around the property are well defined and can be effectively managed with appropriately designed stormwater controls.

In accordance with the City of West Lake Hills Drainage and Erosion Control Design Manual, the project will provide both detention and permanent water quality measures. A detention pond and a rainwater harvesting system will be incorporated into the design to address stormwater mitigation and treatment requirements. Based on the site's natural drainage characteristics and the proposed improvements, the planned system can be designed and built in a manner that ensure no adverse impacts to adjacent or downstream properties. An exhibit of the proposed drainage plan has been included to accompany this letter.

If you have any questions, please do not hesitate to contact me at 830-513-9451.

Sincerely,



Alejandra Flores S., PE
Principal
Milian Engineering

*DRAINAGE STUDY LETTER FROM
PROFESSIONAL CIVIL ENGINEER*

SUPPORTING DOCUMENTS

LEGEND

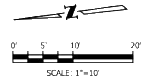
- PROPOSED CONCRETE SIDEWALK
- PROPOSED PAVEMENT
- PROPOSED SOLID FENCE
- SURVEY CONTROL POINT
- EDGE OF PAVEMENT
- PROPOSED ELECTRIC MANHOLE
- TREE TO REMAIN

0% - 15% SLOPE

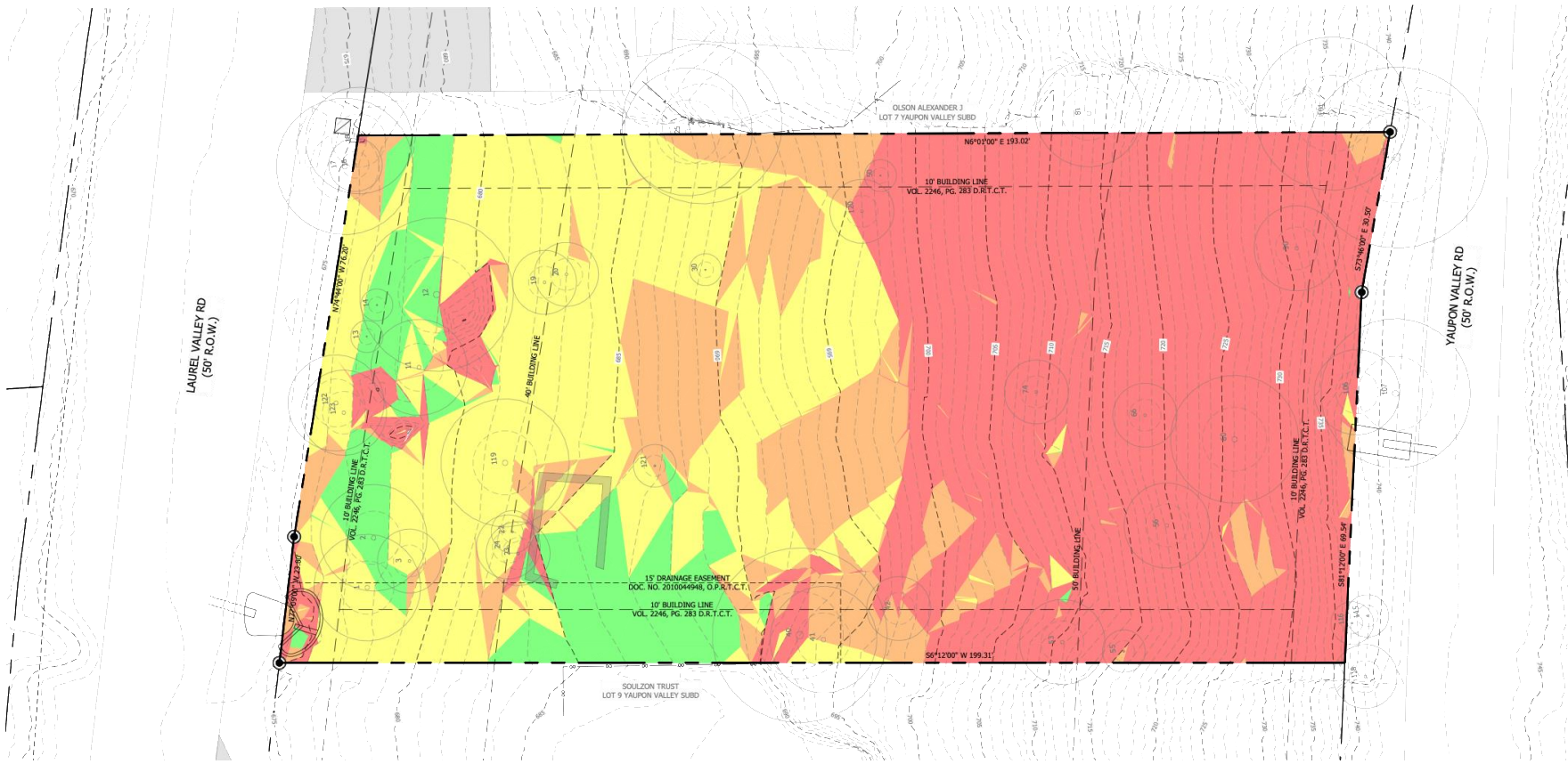
15% - 25% SLOPE

25% - 35% SLOPE

OVER 35% SLOPE



SLOPE TABLE ON SITE					
Number	Minimum Slope	Maximum Slope	Color	AREA (SF)	AREA (AC)
1	0.00%	15.00%		1738.75	0.04
2	15.00%	25.00%		5783.11	0.13
3	25.00%	35.00%		2981.19	0.07
4	35.00%	313.00%		8857.00	0.20



HEAT MAP FROM
PROFESSIONAL CIVIL
ENGINEER

DESCRIPTION

NO. DATE



ALEXANDER & PLANNING ENGINEERING, P.C.
FROM RES. F-22086
830.513.9451



RESIDENTIAL DRAINAGE PLAN
309 LAUREL VALLEY RD
WEST LAKE HILLS, TRAVIS COUNTY, TEXAS 78746

SLOPE MAP EXHIBIT

SUPPORTING DOCUMENTS



MATT GARCIA
DESIGN

2525 BONNIE ROAD
AUSTIN, TEXAS 78703
TELEPHONE 512.532.5401
WWW.MATTGARCIADESIGN.COM

PROJECT
**SCHMERGEL
RESIDENCE**

309 LAUREL VALLEY RD
WEST LAKE HILLS, TEXAS 78150

CLIENTS
GRAHAM & PAIGE SCHMERGEL

DESIGN
MATT GARCIA DESIGN
CONTACT: MATT GARCIA
EMAIL: MATTGARCIADESIGN@GMAIL.COM
PHONE: 210.841.8978

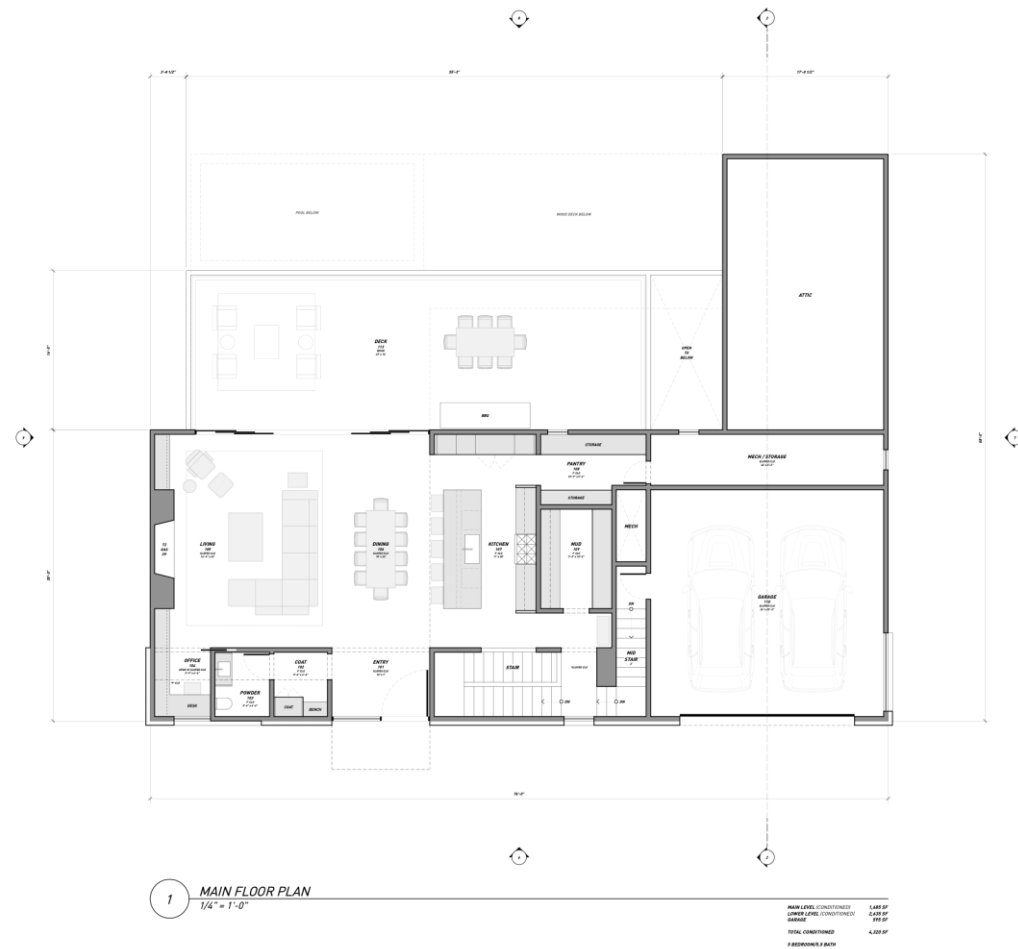
ISSUE
VARIANCE SUBMITTAL - 2020 DEC 15
VARIANCE SUBMITTAL - 2020 JAN 20
VARIANCE SUBMITTAL - 2020 MAR 04
VARIANCE SUBMITTAL - 2020 MAR 11
VARIANCE SUBMITTAL - 2020 MAY 11
BIA SUBMITTAL - 2020 JULY 20

TITLE LOWER LEVEL PLAN
DATE JULY 20 2024
SHEET



4

SUPPORTING DOCUMENTS



MATT GARCIA
DESIGN

2525 BONNIE ROAD
AUSTIN, TEXAS 78703
TELEPHONE 512.532.5401
www.mattgarcia.com

PROJECT

**SCHMERGEL
RESIDENCE**

309 LAUREL VALLEY RD
WEST LAKE HILLS, TEXAS 78150

CLIENTS

GRAHAM & PAIGE SCHMERGEL

DESIGN

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BIA SUBMITTAL - 2020 JULY 20

TITLE

MAIN LEVEL PLAN

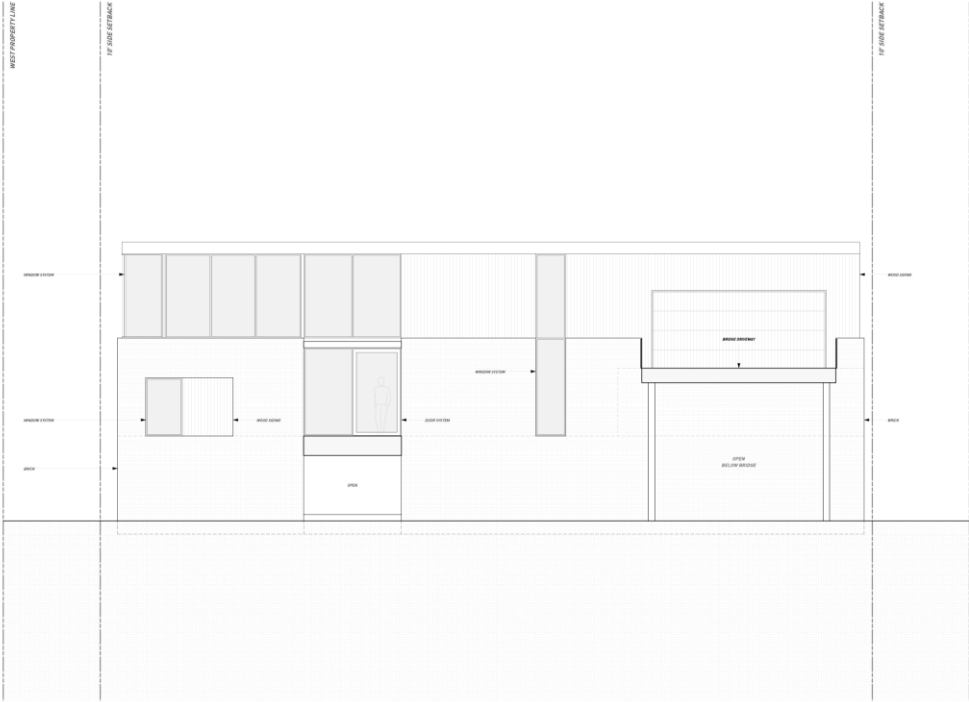
DATE

JULY 20 2024

SHEET

5

SUPPORTING DOCUMENTS



1 SOUTH ELEVATION
1/4" = 1'-0"

MATT GARCIA
DESIGN

2427 BONNIE ROAD
AUSTIN, TEXAS 78703
TELEPHONE 512.522.5401
www.mattgarcia.com

PROJECT

**SCHMERGEL
RESIDENCE**

309 LAUREL VALLEY RD
WEST LAKE HILLS, TEXAS 78150

CLIENTS

GRAHAM & PAIGE SCHMERGEL

DESIGN

MATT GARCIA DESIGN
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EMAIL: mattgarcia@gmail.com
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TITLE

ELEVATIONS

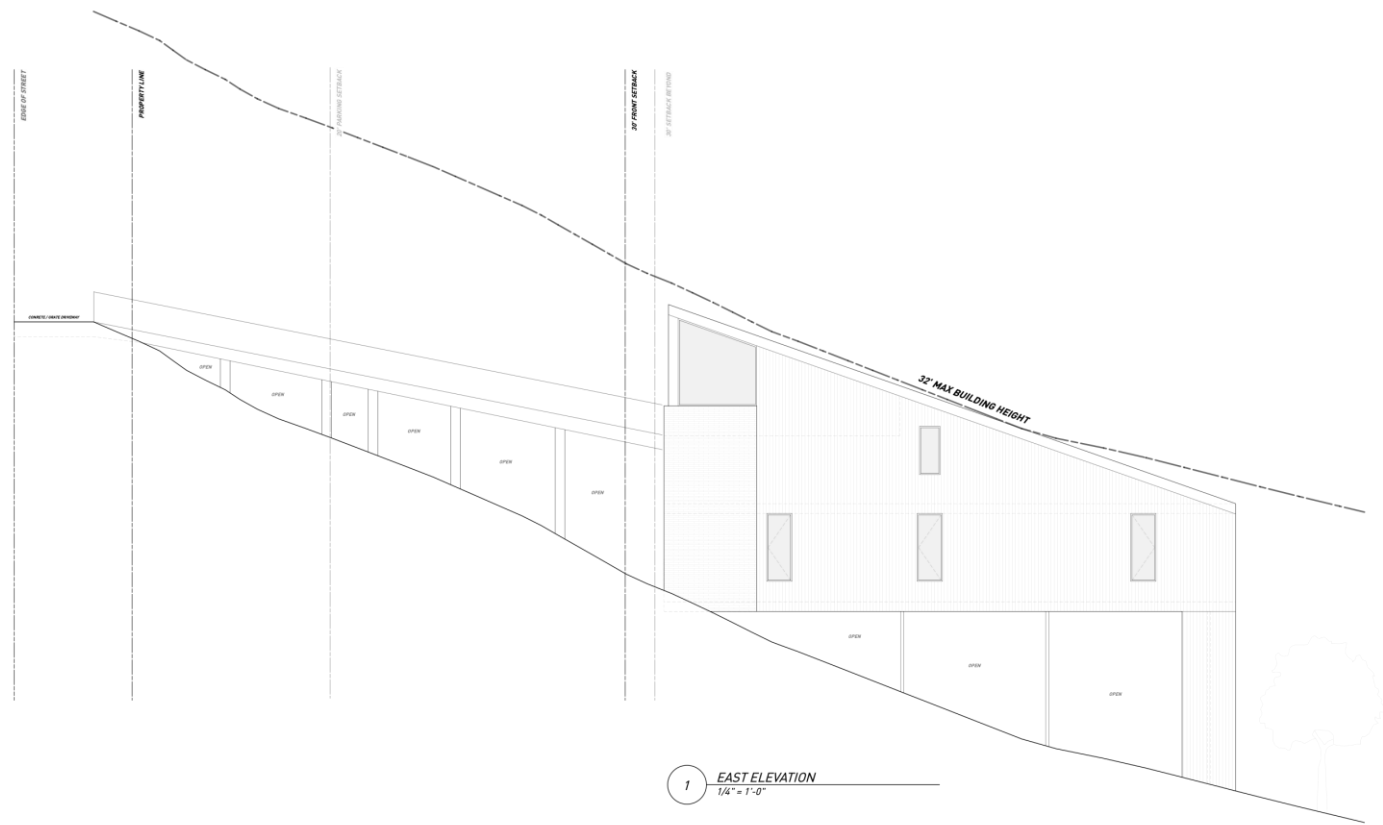
DATE

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SHEET

6

SUPPORTING DOCUMENTS



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PROJECT

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309 LAUREL VALLEY RD
WEST LAKE HILLS, TEXAS 78150

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GRAHAM & PAIGE SCHMERGEL

DESIGN

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CONTACT: MATT GARCIA
EMAIL: mattgarcia@mgd.com
PHONE: 210.841.8978

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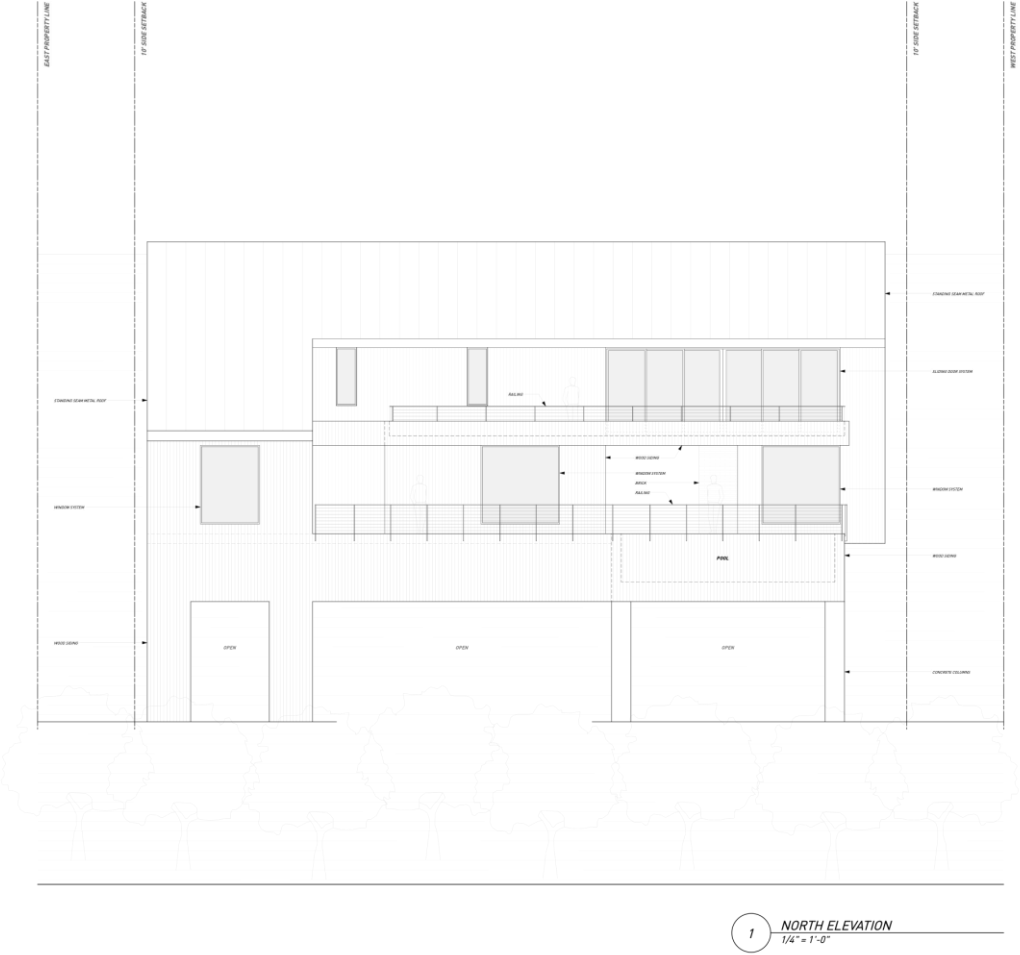
SHEET

ELEVATIONS

JULY 20 2024

7

SUPPORTING DOCUMENTS



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AUSTIN, TEXAS 78703
TELEPHONE 512.522.5401
www.mattgarciaesign.com

PROJECT

**SCHMERGEL
RESIDENCE**

309 LAUREL VALLEY RD
WEST LAKE HILLS, TEXAS 78154

CLIENTS

GRAHAM & PAIGE SCHMERGEL

DESIGN

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EMAIL: mattgarciaesign@gmail.com
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ISSUE

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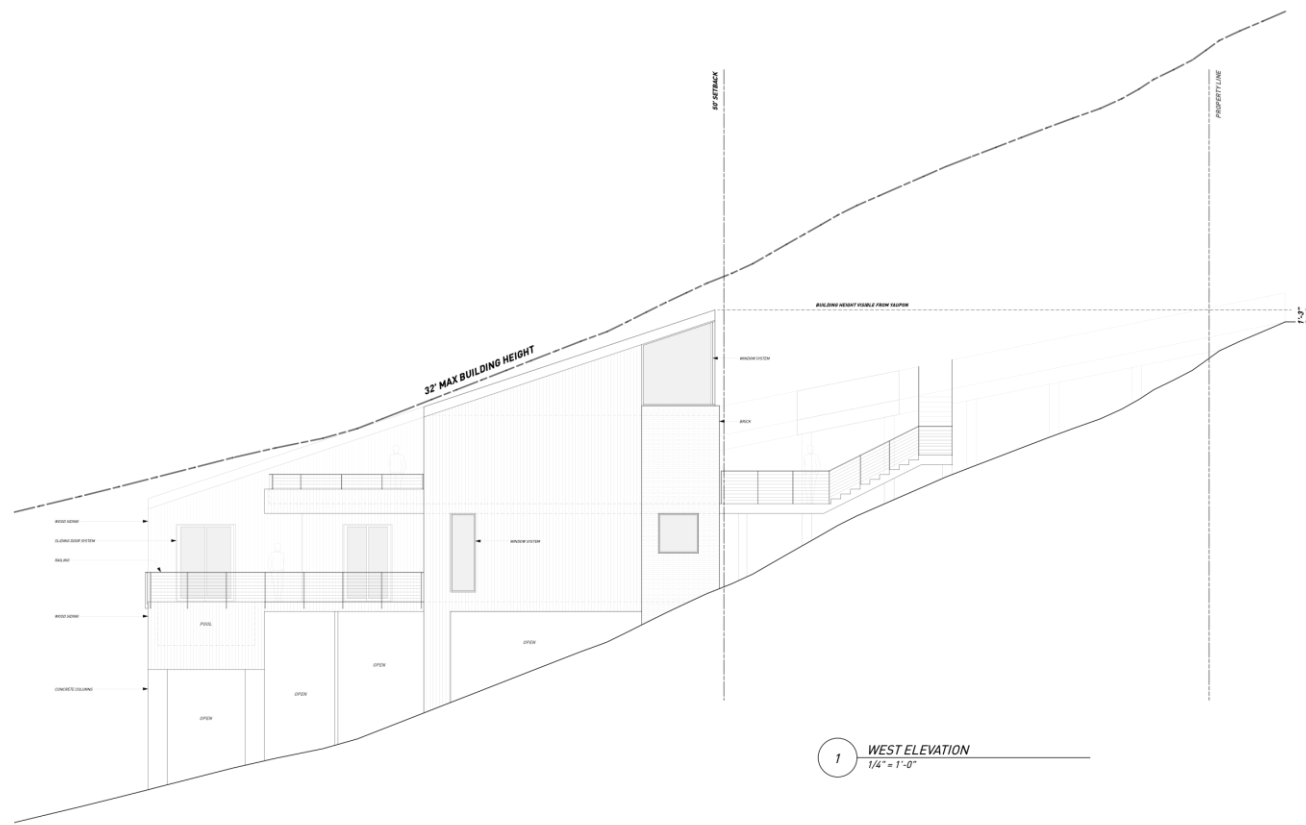
DATE

JULY 20 2024

SHEET

8

SUPPORTING DOCUMENTS



MATT GARCIA
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TITLE

ELEVATIONS

DATE

JULY 20 2024

SHEET

9

City of West Lake Hills

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

Wednesday, June 17, 2026 at 6:30 PM

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

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

2. **Citizen Communications:**

- a. No comments

3. **Consent Agenda:** The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- a. Approval of the May 20, 2026 Zoning and Planning Commission meeting minutes
- b. Report of previous cases ZAPCO acted on by BOA/City Council.

Action: Commissioner Pledger moves for approval of the Consent Agenda

- i. Commissioner Maccini Seconds
- ii. Motion carries unanimously (3–0)

4. **Public Hearing 300 Block of Laurel Valley.** Discuss and make a recommendation to the Board of Adjustment on proposed variances

- 1. For the construction of a driveway 12 feet, 6 inches above natural grade where 6 feet is the maximum allowed by code (Section 22.03.175(e)(1)).
- 2. To use the 30-foot zoning front setback along Yaupon Valley Road instead of the 50-foot platted front setback (Section 22.03.271)

3. For grading of up to 5 feet. 6 inches on a grade greater than 35% where no grading is allowed by code (Drainage and Erosion Control Design Manual Section 9.4.1)

Applicant: Matt Garcia, Matt Garcia Design

b. Staff Report: Director Bills discusses the previous variance requests at the site

1. Director Bills describes the changes to the proposed site from the previous site taken to ZAPCO and BOA in April
2. Commissioner Bartoletti asks if the 50 foot setback is the code required setback
 1. Director Bills explains that the zoning setback is 30 feet, but the platted setback is 50 feet, and in case of a conflict in the zoning and platted setbacks, the more restrictive setback applies.
3. Chair Meisel indicates the city cannot grant a variance to a platted setback
 1. Assistant City Attorney Natalie Thamm confirms that plat would have to be adjusted

c. Public Comment:

1. **Graham Schmergel** – homeowner
 1. Speaks in support of variance request
2. **Matt Garcia**—Applicant
 1. Speaks in support of the variance request

d. Discussion:

1. Commissioner Pledger shares his concerns about the raised driveway and states the property should stay with the platted 50' setback
2. Commissioner Bartoletti asks why the code restriction on elevated driveways exist
 1. Director Bills explains that raised driveways on steep slopes can get very high, and with driveway setbacks allowing driveways 10 feet from property lines, the restriction prevents driveways that effectively act as tall walls inside the building setbacks.
3. Commissioner Maccini asks if the driveway will need a barrier or wall
 1. Director Bills indicates railing would be required.
4. Chair Meisel asks the applicant if the driveway would large enough to fit emergency vehicles
 1. The applicant indicates it would be.
5. Commissioner Bartoletti: the septic letter expresses preferences for OSSF location, but does not seem to indicate absolute requirement that the septic be located below the house.
 1. The applicant indicates that the house has gone through previous designs but the proposed design was the best solution to build on the lot

6. Assistant City Attorney Natalie Thamm confirms that the BOA does not have the authority to waive the restrictions of the platted setback.
- e. **Action:** Commissioner Pledger moves to recommend that the variances for grading and driveway height be forwarded to the Board of Adjustment with a recommendation of **denial**. The commission makes no recommendation regarding the setback variance due to the information presented by counsel regarding the city's authority to grant variances on platted setbacks.
 1. Commissioner Bartoletti seconds
 2. Motion carries 3-0

The recommendation will be forwarded to the July 8th Board of Adjustment meeting

5. **Public Hearing: 911 Westlake Drive.** Discuss and consider a recommendation to City Council for the rezoning of Lot 1 Village Green Sec 1 Resub from GUI, Governmental, Utility, and Institutional to B-2, Business 2 District with a Conditional Overlay District

Applicant: Jennifer C. Bills, Interim City Administrator

- a. **Staff Report:** Director Bills shares the staff report for the zoning change and the height restrictions and prohibiting select uses of the conditional overlay district
 1. Director Bills shares there is a request for proposal for a tenant to lease the property, but the City will still own the property
 2. Chair Meisel asks if the property has been offered to utility providers to keep its GUI land use
 1. Chair Meisel asks Director Bills if GUI uses could still be used on the site if the zoning is changed to B-2
 - a. Director Bills the only GUI use allowed is for a facility owned and operated by the federal government, the state or a political subdivision thereof, which would allow the city to continue use of the site
 2. Commissioner Maccini asks if the surrounding neighborhood will be protected from overflow parking
 - a. Director Bills indicates the site would need to meet the same parking standards as any site in the B2 district
 3. Commissioner Maccini asks if hours of operation would be limited
 - a. Director Bills states that there are no changes proposed to regulations related to hours of operation
 4. Commissioner Bartoletti shares concerns with the traffic

- a. Director Bills states that a Traffic Impact Analysis would be needed if the new use triggers the requirements in the code of ordinances
- b. **Public Comment:**
 - 1. Deborah Stewart—Neighbor to the property
 - 1. Spoke in favor of the zoning change
 - 2. James Vaughan—Mayor of West Lake Hills
 - 1. Spoke in favor of the zoning change
- c. **Discussion:**
 - 1. Commissioner Pledger indicates he would not want a higher-impact use if he lived there, and would be more comfortable with office use, and shared concerns over increased traffic.
 - 2. Commissioner Maccini indicates concerns about businesses with later hours of operations.
 - 1. Mayor Vaughan explains the RFP for the project includes a preference for applicants who get letters of support from neighboring property owners.
 - 3. Commissioner Bartoletti expresses contentment with the City remaining the owner and landlord of the lot.
 - 4. Commissioner Pledger asks Mayor Vaughan how big of scope the notification was for the RFP.
 - 1. Mayor Vaughan shares the RFP was shared to all surrounding properties.
- d. **Action:** Commissioner Bartoletti moves to recommend the zoning change with a conditional overlay district request be forwarded to City Council with a recommendation of **approval**.
 - 1. Commissioner Maccini seconds
 - 2. The motion **carries** (3-0)

The recommendation will be forwarded to the July 8th City Council meeting

- 6. Public Hearing: Discuss and consider action to make a recommendation to City Council on amendments to the following Code of Ordinances Sections:
 - a. General Provisions – Section 1.01.003
 - b. Administration and Personnel – Section 2.02.031
 - c. Administration – Section 20.02.055
 - d. Building Regulations – Article 22.03

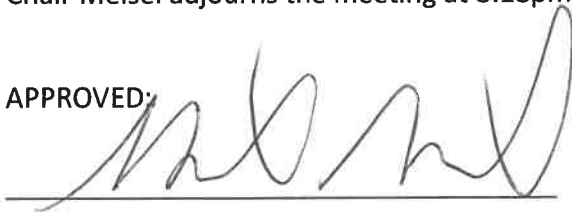
- e. Subdivision – Sections 36.01.003-004, 36.01.007, 36.01.009, 36.01.012-013
- f. Zoning – Sections 38.03.032-038, 38.04.031-032, 38.04.034-035, 38.05.032-037, 38.05.098
- a. **Staff Report:**
 - a. Director Bills presents a briefing on the proposed code changes and adjustments made since the May ZAPCO meeting.
- b. **Public Comment**
 - a. Mayor James Vaughan
 - i. Speaks in support of the code changes.
- c. **Discussion**
 - a. Commissioner Pledger indicates support for all code changes with exception of the contextual standards
 - i. Mayor Vaughan describes the changes made to the contextual standards throughout the code revision process.
 - ii. Chair Meisel indicates his support of the City of Austin’s contextual standards and believes West Lake Hills can achieve the same effect.
 - b. Commissioner Bartoletti shares concerns with the contextual standards
 - c. Commissioner Bartoletti indicates she is only comfortable with ZAPCO making code recommendations to zoning-related standards.
 - i. Director Bills explains that while many of the changes are located in chapter 22 (Construction Code), state law defines most of the proposed changes as being zoning-related, even though they are not in Chapter 38 (Zoning) within the West Lake Hills Code of Ordinances.
- d. **Action**
 - a. Commissioner Pledger moves forwarding a recommendation of approval of the proposed zoning changes, with appropriate scrivener’s corrections, with the exception of contextual standards for front yard fence setbacks(22.03.173(d)(10)) and street building setbacks (22.03.275(C)(1)).
 - b. Commissioner Bartoletti seconds
 - c. The motion carries 3-0

This action will be forwarded to the June 24 City Council Meeting

7. Adjournment

Chair Meisel adjourns the meeting at 8:18pm

APPROVED:

A handwritten signature in dark ink, appearing to be 'M. Meisel', is written over a horizontal line. The signature is fluid and cursive.

ATTEST:



Joel Sherrouse, Development Coordinator

These minutes were approved on 7/15/26, 2026.

RECORD OF ACTION FOR A BOARD OF ADJUSTMENT VARIANCE

File No.: 2025-1300
Date of Hearing: 4/8/2026
Applicant: Matt Garcia, Mattt Garcia Design
Owner: Graham Schmergel
Address: Unaddressed property on the 300 Block of Laurel Valley
Legal: Yaupon Valley Subdivision, Lot 8

Variance Request: Encroach 10 feet into both 20-foot side setbacks (Section 22.03.281)

Conditions Required for a Variance No variance shall be granted unless the Board of Adjustment finds that each of the following conditions exist in accordance with Section 38.05.032 of the West Lake Hills Code of Ordinances.

	Agree	Disagree
1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.	X	
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.	X	
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.	X	
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.	X	
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.	X	
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.	X	

Special Circumstances: The applicant requests encroaching 10 feet into the 20-foot side setbacks to decrease the length of the house down the slope. Over half of the lot has a grade greater than 35% See Exhibit A – staff report for more information.

Zoning & Planning Commission Recommendation:

This item was considered by ZAPCO on February 18, 2026. The Commission voted 5-0 to recommend denial of the variance for lack of hardship.

Special Conditions for Variance Approval:

1. None

Decision Findings:

In deciding whether to grant or deny a variance in this case, and in establishing special conditions, if any, for approval, the Board of Adjustment considered: (1) the testimony and evidence of the applicant and any other affected parties; and (2) recommendations and information provided by staff. The Board of Adjustment hereby adopts and incorporates any evidence presented in support or denial of the variance as part of this decision. A granting of a variance shall mean that the Board of Adjustment made specific findings of fact in this case that the evidence presented established each of the conditions of Section 38.05.032 required for a variance in this case. A denial of a variance by the Board of Adjustment shall mean that the Board of Adjustment found that the evidence presented did not support a finding that the requested variance met all of the conditions listed in Section 38.05.032 for the granting of the variance in this case.

Board Action: Grant X Deny Grant with Conditions:

Expiration of Approval: 365 days from date of approval if construction has not commenced.

PASSED AND AFFIRMED this 8 day of April, 2026, by the Board of Adjustment of the City of West Lake Hills, Texas, by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**CITY OF WEST LAKE HILLS
Board of Adjustment**

By: _____


James Vaughan, Chair

ATTEST:



Makayla Rodriguez, Recording Secretary

RECORD OF ACTION FOR A BOARD OF ADJUSTMENT VARIANCE

File No.: 2025-1300
Date of Hearing: 4/8/2026
Applicant: Matt Garcia, Matt Garcia Design
Owner: Graham Schmergel
Address: Unaddressed property on the 300 Block of Laurel Valley
Legal: Yaupon Valley Subdivision, Lot 8

Variance Request: Allow for a driveway height of 15 feet 10 inches above natural grade, where 6 feet above natural grade is the maximum (Section 22.03.175(e)(1)).

Conditions Required for a Variance No variance shall be granted unless the Board of Adjustment finds that each of the following conditions exist in accordance with Section 38.05.032 of the West Lake Hills Code of Ordinances.

	Agree	Disagree
1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.		X
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.		X
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.		X
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.		X
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.		X
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.		X

Special Circumstances: The applicant states that a driveway elevated more than 15 feet above natural grade. See Exhibit A – staff report for more information.

Zoning & Planning Commission Recommendation:

This item was considered by ZAPCO on February 18, 2026. The Commission voted 5-0 to recommend denial of the variance for lack of hardship.

Special Conditions for Variance Approval:

1. None

Decision Findings:

In deciding whether to grant or deny a variance in this case, and in establishing special conditions, if any, for approval, the Board of Adjustment considered: (1) the testimony and evidence of the applicant and any other affected parties; and (2) recommendations and information provided by staff. The Board of Adjustment hereby adopts and incorporates any evidence presented in support or denial of the variance as part of this decision. A granting of a variance shall mean that the Board of Adjustment made specific findings of fact in this case that the evidence presented established each of the conditions of Section 38.05.032 required for a variance in this case. A denial of a variance by the Board of Adjustment shall mean that the Board of Adjustment found that the evidence presented did not support a finding that the requested variance met all of the conditions listed in Section 38.05.032 for the granting of the variance in this case.

Board Action: Grant _____ Deny X Grant with Conditions: _____

Expiration of Approval: 365 days from date of approval if construction has not commenced.

PASSED AND AFFIRMED this 8 day of April, 2026, by the Board of Adjustment of the City of West Lake Hills, Texas, by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**CITY OF WEST LAKE HILLS
Board of Adjustment**

By: _____

James Vaughan, Chair

ATTEST:

Makayla Rodriguez, Recording Secretary

RECORD OF ACTION FOR A CITY COUNCIL VARIANCE

File No.: 2025-1300
Date of Hearing: 4/8/2026
Applicant: Matt Garcia, Mattt Garcia Design
Owner: Graham Schmergel
Address: Unaddressed property on the 300 Block of Laurel Valley
Legal: Yaupon Valley Subdivision, Lot 8

Variance Request: Allow replacement trees for unpermitted removals to be planted at the end of the project, more than 601 days since the final order (Section 22.03.304(c)(5)).

Conditions Required for a Variance No variance shall be granted unless the City Council finds that each of the following conditions exist in accordance with Section 22.03.514 of the West Lake Hills Code of Ordinances.

	Agree	Disagree
1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.	X	
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.	X	
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.	X	
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.	X	
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.	X	
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.	X	

Special Circumstances: The applicant is requesting to delay the mitigation for the illegally removed tree so they are not disturbed during construction. See Exhibit A – staff report for more information.

Zoning & Planning Commission Recommendation:

This item was considered by ZAPCO on February 18, 2026. The Commission voted 5-0 to recommend denial of the variance for lack of hardship.

Special Conditions for Variance Approval:

Delay the enforcement of the order for 365 days. If a building permit is issued within 365 days, enforcement will be delayed until the end of the building permit.

Decision Findings:

In deciding whether to grant or deny a variance in this case, and in establishing special conditions, if any, for approval, the City Council considered: (1) the testimony and evidence of the applicant and any other affected parties; and (2) recommendations and information provided by staff. The City Council hereby adopts and incorporates any evidence presented in support or denial of the variance as part of this decision. A granting of a variance shall mean that the City Council made specific findings of fact in this case that the evidence presented established each of the conditions of Section 22.03.514 required for a variance in this case. A denial of a variance by the City Council shall mean that the City Council found that the evidence presented did not support a finding that the requested variance met all of the conditions listed in Section 22.03.514 for the granting of the variance in this case.

Board Action: Grant _____ Deny _____ Grant with Conditions: X

Expiration of Approval: 365 days from date of approval if construction has not commenced.

PASSED AND AFFIRMED this 8 day of April, 2026, by the City Council of the City of West Lake Hills, Texas, by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

**CITY OF WEST LAKE HILLS
City Council**

By: _____

James Vaughan, Mayor

ATTEST:

Makayla Rodriguez, Recording Secretary

RECORD OF ACTION FOR A BOARD OF ADJUSTMENT VARIANCE

File No.: 2025-1300
Date of Hearing: 4/8/2026
Applicant: Matt Garcia, Mattt Garcia Design
Owner: Graham Schmergel
Address: Unaddressed property on the 300 Block of Laurel Valley
Legal: Yaupon Valley Subdivision, Lot 8

Variance Request: Allow grading up to 18 inches on an area greater than 35% slope where none is allowed (Section 22.03.170(b) Drainage and Erosion Control Manual Section 7.4.1 – Cut/Fill Limits)

Conditions Required for a Variance No variance shall be granted unless the Board of Adjustment finds that each of the following conditions exist in accordance with Section 38.05.032 of the West Lake Hills Code of Ordinances.

	Agree	Disagree
1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.		X
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.		X
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.		X
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.		X
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.		X
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.		X

Special Circumstances: Over half of the lot has a grade greater than 35%. See Exhibit A – staff report for more information.

Zoning & Planning Commission Recommendation:

This item was considered by ZAPCO on February 18, 2026. The Commission voted 5-0 to recommend denial of the variance for lack of hardship.

Special Conditions for Variance Approval:

1. None

Decision Findings:

In deciding whether to grant or deny a variance in this case, and in establishing special conditions, if any, for approval, the Board of Adjustment considered: (1) the testimony and evidence of the applicant and any other affected parties; and (2) recommendations and information provided by staff. The Board of Adjustment hereby adopts and incorporates any evidence presented in support or denial of the variance as part of this decision. A granting of a variance shall mean that the Board of Adjustment made specific findings of fact in this case that the evidence presented established each of the conditions of Section 38.05.032 required for a variance in this case. A denial of a variance by the Board of Adjustment shall mean that the Board of Adjustment found that the evidence presented did not support a finding that the requested variance met all of the conditions listed in Section 38.05.032 for the granting of the variance in this case.

Board Action: Grant _____ Deny X Grant with Conditions: _____

Expiration of Approval: 365 days from date of approval if construction has not commenced.

PASSED AND AFFIRMED this 8 day of April, 2026, by the Board of Adjustment of the City of West Lake Hills, Texas, by a vote of 5 (Ayes) 0 (Nays) 0 (Abstain).

**CITY OF WEST LAKE HILLS
Board of Adjustment**

By: _____

James Vaughan, Chair

ATTEST:

Makayla Rodriguez, Recording Secretary